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The Opdyke Libel Suit.

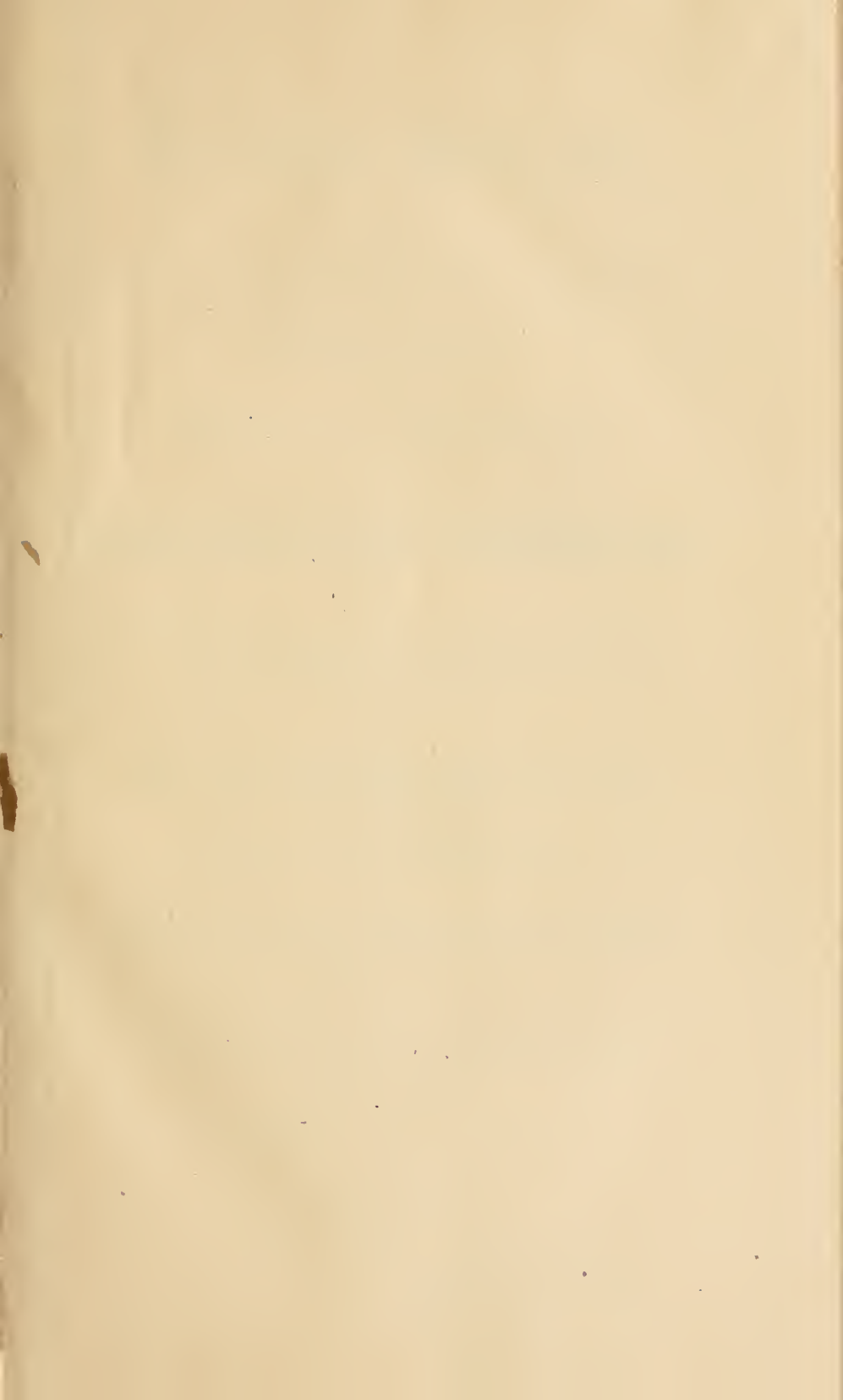
GEORGE OPDYKE

"VERSES"

THURLOW WEED.







The Opdyke Libel Suit.

A FULL METRICAL, JURIDICAL, AND ANALYTICAL REPORT

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OF THE

EXTRAORDINARY SUIT FOR LIBEL

OF

GEORGE OPDYKE "VERSES" THURLOW WEED,

WHICH

PROGRESSED FROM DAY TO DAY, COMMENCING ON THE 13TH
DAY OF DECEMBER, 1864, AND ENDING ON THE
11TH JANUARY, 1865,

IN THE

NEW YORK SUPREME COURT CIRCUIT,

BEFORE

JUDGE CHARLES MASON.

Testimony of Witnesses — Speeches of Counsel — Incidents
of the Trial.

BY A FULL CORPS DE BULLY, SHORT AND LONG METRE REPORTERS.

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1865.



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GEORGE OPDYKE "verses" THURLOW WEED

THE ACTION.

'Twas a pretty suit for our Lawyers to plead—
The trial of OPDYKE and THURLOW WEED;
For Opdyke his great Lawyers feed,
To make the pockets of THURLOW bleed,
Because he printed and uttered and wrote
What he wouldn't have done if he cared a groat
For worthy OPDYKE, our *quondam* Mayor,
Charges enough to make a horse swear!

THE JURY.

There were twelve men from business torn,
As the trusty Jurors were called and sworn,
Men of good repute and fame,
And known and called, each one by name.

CHARLES B. CORNELL.	BERMAN CUSHMAN.
THOMAS WARREN.	BENJAMIN WAY.
MARCUS KLINGER.	HENRY J. HANSON.
WILLIAM HOLDEN.	HENRY HARRIS.
JOHN DRINKER.	H. K. BULL.
EDWARD M. SEAMAN.	CASPAR J. WESTERVELT.

FIELD & EMOTT, *for Plaintiff.*

EVARTS & PIERREPONT, *for Defendant.*

Committees on the part of various associations, citizens, news-boys,
boot-blacks, &c., &c., &c.

THE OPENING BY EMOTT.

Ex-Judge EMOTT opened the case,
 With potent, grave and reverend face.
 He said, for the Plaintiff, as Counsel, he
 Knew popular interest, in some degree,
 Was felt in the case they were there to try,
 And prove how much T. WEED could lie.

His Client, OPDYKE, was of a class
 Of honest Merchants,—gold not brass
 Was what he dealt in all his days;
 Truth was his word, and honest his ways,
 As he walked his path, in the public gaze,
 And won and deserved the people's praise.

But then came WEED, with a jealous eye,
 He wrote these Libels, he knew not why;
 And thus Judge EMOTT went on to say,
 In an eloquent, strong and earnest way.
 WEED charged that OPDYKE was employed—
 A charge that OPDYKE much annoyed—
 As a secret Partner in army cloth,
 And stole into Blankets like hidden moth,
 For which Counsel called for the facts;
 WEED stated, those things did all expand,
 And OPDYKE made money underhand,
 In clothing and Gun Contracts;
 More money, in fact, than could ever be made
 By "fifty Sharpers," in regular trade,
 Or Jew or Gentile, every one,
 Unless they knew how the thing was done.

How wicked this was, you will understand,
 When these libels were spread all over the land
 From the pen of WEED, whose power, you know,
 Is great in this country, for weal or woe.
 He's a motive power, in the world of thought,
 As told by the plain results he's wrought.
 He has done much more than any man,
 In wise, discreet, ingenious plan,
 To build up his Party's power;
 A party, that now when it rules the roost,
 Displays to the world, despite of the cost,
 A spirit that nothing can cower.

And thus talked OPDYKE's Lawyer true,
 For the space of a lengthy hour or two,
 In showing that OPDYKE was hurt;
 If valued in dollars, the damage was worth,
 As clear as damage was done on earth,
 Fifty thousand was only dirt.

EVIDENCE OF PUBLICATION.

Witnesses were sworn to make estimation,
 And prove the extent of the vexed publication;
 TEN EYCK, WILDER and MARBLE were examined a pace.
 When the Plaintiff declared he rested his case.

THE DEFENSE.

The talking of damage was all very well,
 But the other side had a story to tell,
 Before the money was paid;
 So ex-Judge PIERREPONT arose and said—
 On OPDYKE's corns, if WEED did tread,
 'Twas in calling a spade—a spade.

He said he felt, like HAMLET, he did,
 Not in the scene where POLONIOUS is hid,
 And HAMLET his mother does harrow,
 But where he speaks in the proper place
 Of the Providence and the special grace
 There is in the fall of a sparrow.
 In fact, he had striven with all his power,
 Not to come to the scratch or trial hour,
 But had thought that he would be to blame,
 If he did'nt stand up like a cock was game,
 And show in the fight
 His client was right,
 And put GEORGE OPDYKE to shame!

He saw it as plain as the nose on his face,
 Our country had got in a very tight place,
 So that spite of our laws, and our Grand Constitution,
 We were just on the eve of a great Revolution.
 It was so in England, it was so in France,
 Where the tune of the taxes had made people dance;

Where corruption was great, and virtue was small,
 And the looseness of morals had mortified all.
 DE TOCQUEVILLE had spoken with wisdom his fears
 To the Chamber of Deputies' assinine ears,
 That passed by unheeded, as well knew the Jury,
 The signs then foretelling the popular fury,
 'Till old LOUIS PHILLIPPE was sent to bemoan
 With his children the loss of his Kingdom and Crown.

From the day of this trial, was certain to spring
 Revolutions beginning, or other such thing,
 And the people advised how their will was defeated,
 Would rise up and never—never more would be cheated!

RECESS.

Here the words of the orator sounded so fine,
 The Judge said he thought the Jurors might dine;
 But for fear that their guzzling they might not repress,
 He would grant, by the clock, just five minutes Recess.

When the Court and the Jury assembled once more,
 PIERREPONT, as Counsel, went on as before,
 What had been charged, in THURLOW WEED's view,
 He would show to the Jury, was all of it true,
 From the funds of the City, OPDYKE had received
 What had not been legal, he fully believed,
 OPDYKE put to this his voucher and *fiat*,
 For Guns and Machinery lost in the riot,
 He charged for the claim, in his son-in-law's name,
 But himself was the owner and played the whole game.

He had also received, in another strange way,
 Some ten thousand dollars from RUFUS the GAY,
 And this they would show, to the Jury and Court,
 Had been paid so that RUFUS might get into Port.

Another charge was, in sums disproportionate,
 He had taken from FREMONT what was "extortionate;"
 All this they would show, was not managed *sub rosa*,
 But extracted in stock they called Mariposa.

In fact, OPDYKE had gone a great way into trade,
 And extortionate Contracts with Government made:
 For all of these charges, was WEED overhauled,
 And to prove they were true his witnesses called.

THE EVIDENCE.

James Watson, Auditor, was then called and sworn,
 From the files of his office his papers were borne,
 Check he produced, with indorsement complete,
 One hundred and ninety-nine thousand, seven hundred, neat.
 This was the check which the Chamberlain paid,
 For the claim 'gainst the County, FARLEY had made.

Joseph B. Young, was the next witness called,
 He proved, from the documents then overhauled,
 He was Clerk to the board of our good Supervisors
 (Men who deceive *them* must be early risers);
 The claim made by FARLEY the board had allowed,
 Among many others that passed in a crowd.
 The witness was asked for the committee's names
 That had been selected to pass on the claims,
 He turned o'er some pages, and, after a hunt,
 Gave "PURDY, ELY, DAVIS, WISEMAN and BLUNT,"
 Resolution was passed that the claim was "all fair,"
 And then it was duly "approved by the Mayor."

TESTIMONY OF LORIN JONES.

Lorin Jones—the witness next called to the stand—
 His features were pleasant, his manners were bland;
 Was living in Beach street, six years dwelling here,
 His age was mature and his memory clear.
 Employed in the armory MARSTON possessed,
 When OPDYKE his money did freely invest;
 OPDYKE took a mortgage for what he invested,
 Till he as an owner became interested,
 Then MARSTON sold out, at a sum that was named
 By appraisers, who settled the price that was claimed;
 After OPDYKE bought in—the fact there's no blinking—
 Bus'ness was dull, and the money was sinking.
 OPDYKE concluded he'd then, beyond doubt,

Better lose on his bargain, and find his way out,
 Less twenty-five thousand, was willing to try it,
 But found there was no one willing to buy it.
 The new Superintendent was JOHN W. KEENE,
 He was put there to work and make it run clean.
 It was then in the winter, till the month of July
 Things stood much the same—they had never been spry;
 They then were behind, in debts and demands,
 Two thousand five hundred due to the hands,
 One hundred eighty thousand due to the owner,
 Thus OPDYKE had reason to be a bemoaner.

I was there at the riot — went there in the morning,
 But left, having then of disturbance no warning;
 Went back there again, at the riot's portending,
 Found the place fortified, the police defending.
 We had let off our men, as a matter of course,
 As we found ourselves strong, with our then civil force;
 Soon after, the mob came rushing in numbers,
 With howlings would waken the dead from their slumbers;
 The fellow that headed the crowd in its clamor,
 Stepped up to the entrance with heavy sledge hammer,
 He dashed at the door, neither slender nor thin,
 The massy oak panels full soon he smashed in,
 But this was the final success he had got,
 The Policemen fired — killed him dead on the spot;
 The crowd seeing well the place was defended,
 Got frightened, ran off, and so it then ended.

The dead carried off, and the wounded retired,
 At the very first volley the Policemen fired,
 We were safe in the building, but nobody stirred,
 For we saw it quite plainly, 'twas danger deferred;
 All at once came an order, at which I much wondered,
 "To take off the Police," and "some one had blundered."
 Went to Captain CAMERON, to learn if he knew it,
 Asked at the Station House, why they should do it,
 Could learn nothing there — went down to the Hall,
 But OPDYKE had gone at the time of my call.
 Told FARLEY my fears, and then asked him where
 I could possibly go and find out the Mayor;
 Said OPDYKE, tho' brave, felt somewhat unwell,
 And had gone for repose to Saint Nicholas' Hotel.

At the hotel I saw him, and told him our danger,
 But he took the thing coolly, as would any stranger,
 Said, "Allah! was great, and that man was a sinner,
 He felt very hungry, and would go and take dinner."
 Took leave—fed my grief on two brandy smashes—
 Went back—found the Factory burning to ashes.
 After that came the business to make out the claim,
 For the property given a prey to the flame;
 Asked OPDYKE how he would figure it out,
 But he how to do it knew nothing about;
 He said that he wanted to get his own back,
 He seemed much at fault, and was quite off the track;
 I said, "Mister OPDYKE, why don't you behold,
 If that's all you claim, you leave out in the cold
 All other parties who, connected with you,
 Would like compensation, and 'getting back,' too."
 To this, my suggestion, he answered at once,
 "I find in this matter I've been quite a dunce."

I said there were Guns, five hundred completed,
 We should charge the full price, or else would be cheated,
 And that, as those Guns had all been inspected,
 That clearly no flaw could in that be detected;
 "The price they'll go off on, as nothing prevents,
 Is twenty-four dollars and seventy cents;
 The unfinished Guns will bring the same sum, too,
 Deducting the price the labor will come to,
 To make them complete, and this should be done,
 Deducting the labor to finish each Gun."
 This plan he adopted—we ciphering scholars
 Made it reach over two hundred thousand dollars;
 On the Gun charges alone, nought could be said of it,
 That sixty-five thousand was counted as profit.
Cross-examined by FIELD—The carbines were rare,
 There is one of them here, at a price that is fair,
 Thinks twenty-five dollars, its value would pay.
 The fact'ry when burned, made fifty a day.
 Ten dollars seventy, the profits were made,
 On each gun was turned out, in regular trade.
 The machin'ry in value had also advanced,
 To twenty per cent witness thought it enhanced;
 He himself has a suit, he brought to obtain,
 From OPDYKE & COMPANY, part of their gain,

There being agreement, on work that was done,
 The witness should get a small price for each gun.
Redirect by PIERREPONT—Question: “Now do you know
 In the way that you figured and ciphered it so,
 Can you tell us or not, any credit was made
 For the twenty-eight thousand the government paid?”

Witness—“No sir, ’twas charged, at least ’twas intended,
 As so much cash out and counted expended.”

PIERREPONT—“How can such nonsense be ever defended?”

Witness—The Royalty price did to thirty thousand come,
 And was charged to the city, in such a round sum.”

TESTIMONY OF CHARLES McNEILL.

Charles McNeill, to the stand, was called as a witness,
 To make things more plain, and determine their fitness,
 “Is Member of Assembly from County of Queens,
 Has dabbled in politics, knows beans is beans,
 Had certain relations, they were business ones,
 In the factory up town, in the making of guns,
 There was suit against OPDYKE, brought in his wife’s name,
 To settle by law, the dispute of our claim.
 Held chattel mortgage, for advances were made,
 Six thousand five hundred, put in the trade,
 MARSTON sold out, when FARLEY came in,
 But OPDYKE was really, the man with the “tin.”

Made agreement with Farley, for two dollars a gun,
 Which OPDYKE had afterwards attempted to shun.
 I went to his house to clear up the doubt,
 And with my friend WILLIAMSON, talk the thing out,
 OPDYKE wished first, a privacy sealed,
 That what was there said, should not be revealed,
 He would speak first, and when he was through,
 I might begin, if I chose so to do.

Question: Well, what did he say? He talked like a calf,
 And bleated away an hour and a half,
 My story then I undertook for to tell,
 But found the whole thing was only a “sell.”
 For he interrupted, again and again,
 And the truth he well knew, denied it quite plain,
 I took up my hat, as such meanness controlled him,
 And what I then thought of him up and I told him.

What did you tell him? Well, as you desire,
 "He was a d——d rascal, likewise a d——d liar."
 As to any more talking, 'twas all of it vain,
 And never his house, would I enter again.

Here came up a question of great legal strife,
 Was McNEILL a partner, or only his wife,
 Because in the libel assertion was made,
 What the partner of OPDYKE had called him or said.
 It was left to the jury to settle the doubt,
 If right it was in, and if wrong it was out.

[*McNeill continues his testimony.*]

I told OPDYKE, at Albany, at Congress Hall,
 He should be ashamed to see me at all;
 He went into breakfast, and I into him,
 So the breakfast he got I think was quite slim;
 He thought to avoid me, but found it was vain,
 For when he walked out I boned him again;
 I called him "a swindler" and "rascal" quite plain.

Boothblack (aside) — "I wonder how long he there did remain."

Witness caused OPDYKE to be sued on the claim
 Which arose on the contract, in his wife's name.
 Of this suit there recently was settlement made,
 And OPDYKE eleven thousand dollars had paid.
 FIELD—"Pray what is all this? will you tell me in brief?"
 EVARTS—"It's about Oily Gammon ever coming to grief."
 FIELD—"Then this is intended to show Oily Gammon
 Unwilling to pay, he was so fond of Mammon."
 EVARTS—"Whom do you call 'Oily Gammon,' I pray?"
 FIELD—"Who do you call 'Gammon,' I leave you to say."
 EVARTS—"I do not use the phrase, nor a person so call,
 But if you will adopt it, it's no libel at all."

[*Laughter.*]

[*Witness continues.*]

At the time is referred to, I said, OPDYKE, look here,
 If you want to be Mayor, this thing is clear,
 You can't win on your likeness, for in the first place,
 There is no one will take to your style of face;
 You won't spend any money—but this I can do,
 Get RUFUS S. ANDREWS to raise it for you;

He'll raise you the money to make you the Mayor,
 Provided you get him appointed Surveyor;
 He is a whole team, whenever he works,
 He'll get you ten thousand from Custom House Clerks;
 Says he, "Won't he cheat me?" Says I, "I don't know,
 He may, to be sure—but to give you a show,
 Just pick out a man that you really can trust,
 And he'll see that ANDREWS will down with the dust."

He selected Mister WILLIAMSON, and up in Broadway
 There were WILLIAMSON, I, and RUFUS, the Gay;
 In an Oyster Saloon we made the thing plain,
 And walked into oysters and jolly champagne.
 ANDREWS promised to raise "Ten thousand" for Mayor,
 If OPDYKE dropped STANTON, and made him Surveyor.

'Twas fixed and concluded, as I have revealed,
 And OPDYKE the bargain soon afterwards sealed;
 For ANDREWS and he to Washington started,
 And got the appointment before they departed.
 When ANDREWS returned, I think there was none
 Ever thanked me so much for what I had done;
 He promised appointments for some three or four,
 That surely I'd get them, and a great many more,
 But "nary" appointment I got at his door

Bernardus Hendrickson, sworn: "McNEILL it was told me,
 For five thousand dollars he a contract would get me;
 I know very well his statements controlled me,
 And I lent him the money, he so had beset me,
 But he drew on me then for two thousand more,
 Which made seven thousand, at which I felt sore.

"On finding the factory gone by the fire,
 My money, too, gone in the roast,
 I looked to McNEILL, with the greatest desire,
 That he would restore me the cost.
 Got power of attorney, determined I would
 Settle with OPDYKE the best way I could.

"I settled the suit without telling McNEILL
 What, in fact, I intended to do,
 For I thought it was better my plan to conceal
 'Till I got the thing all neatly through.

Eleven thousand dollars a settlement made,
And 'twas only last month the money was paid.

"I thus got my money, but really believe,
So long was it coming and hid,
Not a cent of my debt would I ever receive
If things had not chanced as they did.
I gave over the balance to Mrs. McNEILL,
And OPDYKE released under my hand and seal."

John W. Keene was the witness then called,
And when on the stand he was clearly installed,
He said that for twenty-two years
He had been concerned in the making of arms,
A bus'ness that had a great many charms,
And spoke on the subject with tears.
Took care of the goods when the place was destroyed,
Had charge of the workmen, and all were employed,
Has the statement of JONES in his mind,
Thought twenty-four seventy, price of a gun,
As standard of value, quite a just one,
Would swear to it till he was blind.
The barrels, the sights, cone, wiper and tongs,
The material all to a gun which belongs,
Had been charged at a price that was fair;
Sixteen forty-eight for stock and for labor,
As would be fair dealing of neighbor with neighbor,
All this he was ready to swear.
At this standard of value the witness did see,
There was Royalty counted for the Patentee,
Three fifty was therein included,
But whether or not he had ever been paid
For guns that in fact had never been made,
His opinion it was not intruded.

The Court now observed it was time to adjourn,
When Counsel begged leave to observe,
There was something the Court would clearly discern
Should by no means be held in reserve.
He spoke of the comments appeared in the prints,
Newspaper articles having strong hints,
All for the Jury intended.

That the *World* of that morning had spoken so plain,
 He supposed they'd be suing for Libel again,
 And here is another is of the same kind,
 To have its effect on each Juror's mind,
 Truth and fiction so artfully blended.

"To ——.

"And hast thou then forsaken,
 A cold farewell thus taken,
 When the world is passing by me with a frown?
 I could have wished some other,
 In the feelings that I smother,
 Struck me down.

"Thy parting robe that brushed me,
 Like iron weight has crushed me,
 Since all I thought, or cared for, was but thee!
 And now, how cold and weary
 Are the days and nights so dreary,
 Spent by me.

"I had no other treasure,
 No other wish or measure,
 Save in thy sweet communion pass my days.
 My pulse now beats the quicker,
 My blood, like fire its liquor
 Heated blaze.

"In forest bare in winter,
 The tree's denuded splinter,
 The wind that passes by it makes a moan.
 So stand I bare and lonely,
 The sport of fortune only,
 Stripped and lone.

"And now athwart the glooming
 Of this bitter hour's entombing,
 Is there light that is not earthly, shining far?
 Alas! that I should feel it,
 And Heaven above reveal it,
 Not a Star,"

THE COURT—Gentlemen of the Jury, you must take care,
 Not to be caught by any hidden snare,
 Such prints as these be careful not to read,
 They are pernicious in their aim indeed,
 And those who read them are ever sure to find
 They first impress and then corrupt the mind.
 To pass this over, perhaps it may be best to,
 No one can tell whom it is addressed to,
 That is the danger of such publication,
 Unknown the writer and his occupation.
 Gentlemen, be careful, as you would of your lives,
 Do not speak a word—not even to your wives;
 On this point, too, the law is very clear,
 Don't take gin toddy when you should take beer;
 Beware your children, take care of your drink,
 And this of all things, do not even think.
 Mind this advice, wherever you resort,
 And, Mr. CRIER, you'll now adjourn the Court.

Bootblack (going out)—“Billy, that Judge is a rum old cove.”
Newsboy—“He'll put 'em through, I'll bet he will, by Jove.”

The next day the Jury having attended,
 The trial went on from where 'twas suspended.

William F. Brooks was then called to the stand,
 His story was plain, and he told it off hand:
 “The contract for Guns, he first had secured,
 CHARLES McNEILL was with him when 'twas procured,
 The Patentee's interest he, BROOKS, represented,
 Got the Government contract for Guns GIBBS invented;
 The order required ten thousand guns, full,
 Made ten thousand and fifty, and found it was dull.
 The Royalty price, to the Patentee paid,
 Was six dollars fifty, for each Gun was made;
 I assigned, then, to HENDRICKSON, through CHARLES McNEILL,
 He with OPDYKE and FARLEY, did afterwards deal.
 The contract ran out, but I got it renewed,
 And OPDYKE and McNEILL its filling pursued,
 Till the Riot and Fire, in the month of July,
 Made the Gun making cease and the business die.
 On the contract renewed, to make it more thrifty,
 The Royalty price was only three fifty,

At fifteen thousand due me, I wished to arrive,
But out of GEORGE OPDYKE I only got five."

Amor J. Williamson was then sworn, and deposed :

"The *Sunday Despatch* he controlled,
Knew OPDYKE six years, and witness supposed,
Knew McNEILL, since ten years had rolled,
Met OPDYKE daily, in the fall of sixty-one,
When for office of Mayor he, OPDYKE, had run ;
Also knew ANDREWS, 'twas all of it true
A bargain with ANDREWS was made,
As McNEILL told the story all the way through,
'Twas precisely as McNEILL had said.
ANDREWS had promised Ten Thousand to pay,
In an Oyster Saloon, was up in Broadway,
For OPDYKE's election to the office of Mayor,
If OPDYKE would get him Portship Surveyor.

The money so raised, to committees was paid;
When ANDREWS in office was seated,
And this was a game in politics played,
In the Custom House often repeated.
Question: "Is it not the custom on officials to call
To contribute to all our elections?"
Answer: "Why yes, but I know, they often sing small,
And make in response sad defections."

Bootblack (aside) — "If you was in the Custom House, would yer
dine on pickled salmon?"

Newsboy — "Pickled Salmon be blowed, why the office is all
gammon."

Robert C. Hutchings, was called on to tell,
What he knew of the FARLEY riot claim,
He was Clerk of the Board and knew very well,
The committee examined the same.
OPDYKE, BLUNT, PURDY, WISEMAN and LITTLE,
Were the persons upon the committee,
Many claims were presented, were worthless and brittle,
But FARLEY's was paid by the city."

"The claims were examined in regular way,
The witness proceeded to state,
And notice was printed in papers each day,

As for this one—"Two thousand and eight."
 FARLEY was there and swore of the claim
 "He was the owner entire,"
 These were his words as I wrote down the same,
 "For the property lost in the fire."
 BLUNT said that the claim it ought to be paid,
 He had sifted and found it all square,
 But to this his Report, objection was made,
 And deduction was made then and there.

Elijah F. Purdy, then evidence gave,
 "Supervisor was long in the board,
 He thought that this claim of FARLEY was grave,
 And had moved, of his own accord,
 That BLUNT should examine and pass on the claim
 As his knowledge of guns was so great;
 But afterwards thought, there was some one to blame,
 That the thing was not honest and straight,
 He found to this claim, there had been exception,
 It was kept from the Special Committee,
 Which had been appointed to find out deception,
 In all riot claims 'gainst the city,
 So witness declined to vote in its favor,
 Thought it was wrong and had a bad flavor."

Balladboy (aside)—"I tell yer what it is, that War horse is a Snorter."

Newsboy—"Yer may bet yer pile on that, he is'nt nothin' shorter."

Smith Ely, Junior, then testified:
 "He in the Board on Blunt had relied
 To give to the claim an inspection.
 Blunt knew about guns; I thought his report,
 Rather too large for a claim of that sort,
 But rather than give it rejection,
 I moved a reduction—reduction was made
 And then the whole claim was adopted and paid."

John Keyser, sworn, and he as follows
 Told his story, how that he
 Was in committee they called Central,
 Central Republican Committee.

In Election Mayoralty,
 In the fall of Sixty-one,
 There were raised three thousand dollars,
 This the way the thing was done :
 OPDYKE did advance two thousand,
 I a thousand—making three—
 Till the Custom funds came forward,
 Paying back the same to me ;
 I to OPDYKE then refunded
 What from him I had received,
 Making good his twenty hundred,
 Saving George from being grieved.

Hiram Barney, sworn, he stated,
 " Was Collector of the Port ;
 OPDYKE came to him complaining
 He of funds was running short.
 Know I raised eight thousand dollars—
 Three to KEYSER's order went,
 While five thousand, other payment,
 Was to CHURCHILL's people sent ;
 All these levied contributions
 Were the off'ring of the free,
 Each one gave his voluntary,
 Heedless what his pay might be ;
 All was done quite full and hearty,
 Not by force the least controlled,
 Praying blessings on the Party,
 Free to give or to withhold."

Gilbert C. Young deposed, and what was in his story
 Was about the Custom House, ever in its glory.

Henry B. Stover was then sworn, and related,
 He had furnished goods to MARSTON, as then he fully stated ;
 Witness said, the articles unto the county charged
 Were in the items he had sold at every turn enlarged ;
 That in fact the machinery, instead of worth the more,
 Had fallen off at least a third, from all the knocks it bore ;
 And that the charge for labor was also overrated,
 A man or two could make the tools, where twenty had been stated.
 Thus making up in dollars seventeen thousand less,
 And putting matters in a shape and very different dress ;

The value of machinery the factory contained
 Was thirty-three thousand, and then a point was strained;
 Machinery is not so good, and ne'er the price commanded
 Whenever it is run awhile and reckoned second-handed.

Boots (aside)—“Do yer think that’ere machinery as great as represented?”

Newsboy—“No; it was a patent safety game, by which they circumvented.”

Lucius H. Gibbs then testified, he had made the Gun,
 “The Gibb’s Patent Carbine,” a quite efficient one,
 He of the Gun was Patentee, as in this lawsuit called,
 And when he found the claim was paid, had FARLEY overhauled.
 Told FARLEY, in his office, when the sum received was stated,
 “A large swindle” on the city was clearly perpetrated.

Hamilton Harris, sworn; he gave a full relation
 About a letter OPDYKE sent to get a publication;
 It had been sent to Albany, to the Senator, his brother,
 To have the letter printed, in some favored way or other.

The *Standard and Statesman* the letter gave at large,
 And Counsel wished to read it, as OPDYKE’S published charge;
 But the Court, upon inquiry what the matter was about,
 Said it would not answer, and ruled it should go out.

The Judge, by his appetite, plainly discerned
 It was time he should dine, so the Court he adjourned;
 While Billy, the bootblack, asked FIELD, on the stairs,
 If he in the verdict would let him go shares.

The trial again, was resumed the next day,
 Its popular interest, increasing in sway.
 Clothed in the garb of their judicial power
 The Jury assembled, close to the hour,
 The Judge had appointed to open the Court,
 Its progress and incidents here, we report.

All within the Court house, was hushed in grim repose,
 But soon a hum of whispered sounds, within its precinct rose,
 And standing up on benches, the eager sought to see,
 While Lawyers mute within the bar, showed they could silent be,

As JOHN C. FREMONT, then was called, and took the witness stand,

Whose name with party fervor, went once throughout the land.
And thus the General testified — his story as it ran,
Revealed, if one can hold his own, he is a lucky man.

Was lately Major-General, he the service did resign,
Had lived in California, and there had owned a Mine,
'Twas called the Mariposa, and as I understand,
Forty thousand acres of running fertile land.
Was seventeen years owner, and then I took occasion,
To work the mine more freely by stock incorporation.
The mine when worked on surface, had yielded ample gain,
And more in regular mining, within the rock or vein,
Thinks, Three Millions dollars, from rock they did explore,
Besides the surface mining — a fruitful yield of ore —
Several thousand persons, their living did intrust
To the gold that they could carry off by washing of the dust.

Ten Millions, the Stock Capital, our Company controlled,
Before my interest in the same was parted with or sold,
I held a legal title to six-eighths of it complete;
Seventy-five thousand Shares, with many claims to meet.
There was money sought in England, Germany and France,
But none we found were willing, to make required advance,
From further litigation, we were by Patent freed,
But the costs and the Incumbrances, Two Millions did exceed,
The interest too upon the debt, enormously was swelling
At the price of two per cent a month, in sums of Thousands
telling,

I began negotiations and found, as pleased the fates,
The most I could depend on, had soon become three-eighths,
And as my shares were going and getting very small,
I thought three-eighths far better than not a share at all,
The Company determined after fighting many rounds,
We should get free from all our debts by issuing of bonds,
The liens, debts, incumbrances as they had all enlarged
By a million and a half of Bonds were all to be discharged,
SELOVER took twelve thousand shares and five hundred more
To PARK and BILLINGS, same to each, the shares were counted
o'er,

Then by a written contract, which gave them free control,
Opdyke, Ketchum, Hoy, owned Quarter of the whole.

And in the same agreement, as it was signed and sealed,
 Two thousand shares, as Counsel fee, were handed o'er to FIELD.
 The greedy swarmed around me, as bees within a hive,
 I had to sell Five Thousand shares, at price of "twenty-five,"
 And tho' I cannot now recall, to whom the sale was made,
 Nor can I say the price of stock, when brought to such a trade,
 But this I know, what e'er it was at regular market fares,
 The full discharge of all the debts, fell down on my slim shares.

Thomas C. Fields was sworn: Is Counselor-at-Law;
 Recollects the FARLEY-OPDYKE claim, the witnesses he saw
 When about to swear, and question them on what they'd got to
 say,
 Blunt said that he'd examine them, and I might stay away.

BLUNT said that he was great on guns,
 And would my place supply;
 Would examine all the witnesses,
 Just as well as I;
 As I appeared as Counsel, and BLUNT I knew was bright,
 I did not care to interfere, supposing all was right.
 I know nothing more about it, till the claim came up for pay,
 I thereupon protested 'gainst settlement that way;
 I spoke of other witnesses, disinterested all,
 I thought but fair on such a claim the Board at least should call.

Ainsworth Brown, his opinion did express,
 The Machinery lost was in value less,
 From time it was bought, till destroyed as related,
 Some forty per cent from the value as stated.

Philip Tillinghast said, that after the fire
 He called on the plaintiff, and then did inquire
 If he with more guns would wish a supply,
 But holding a contract did OPDYKE deny.

William C. Churchill, sworn: He related the facts
 Concerning the particulars of certain cloth contracts;
 Had contracts for the army, for cloth coats that were blue,
 OPDYKE bought the contracts, and filled the orders through.

Samuel Churchill, being sworn, gave evidence the same,
 OPDYKE'S army contracts were neither small nor tame.

Henry S. Spaulding then was called; he gave the Court to know
 He was a member of the firm of SPAULDING, HUNT & Co.;
 Witness deals in woolen goods, and recollects one day,
 Sold five thousand yards to OPDYKE, in color, white or gray;
 It was in 1861—the cloth was doeskin new,
 Which OPDYKE sent to Jersey, to have it dyed a blue;
 I know the dye was very bad, as bad as dye could be,
 And OPDYKE, on rejected coats, four thousand claimed of me
 I said the cloth was able to take a good blue dye,
 But OPDYKE said it failed in spots, which was the reason why
 He claimed that I should settle for rejected coats in full;
 And so I had to pay him for the spoiling of my wool,
 That is to say, to end it, its fume and fret and cost,
 I took what OPDYKE said he'd give, and seventeen hundred lost;
 I found a wind was blowing, not gently, from the South,
 And took my hand, as best I could, from out the Lion's mouth.

Thomas Smith gave evidence, and testified on oath,
 He Partner was with OPDYKE, in clothes and army cloth;
 One contract came from Morgan, but there were many others
 Which OPDYKE filled and finished through the firm of Smith
 Brothers.

Witnesses *Keyes* and *Bacon* both testified
 That Government contracts OPDYKE supplied.

Thomas F. Carhart then gave detailed relation
 Of the many contracts OPDYKE held, of richest speculation,
 On Overcoats, Jackets, Infantry Frock Coats, Blouse, and
 The like, he made one hundred and seventy-two thousand;
 Up to June, sixty-three, witness estimated clearly,
 Sum total of contracts, five millions nearly.

William B. Cogswell and *Charles B. Hoeyn* both stated
 How much the lost machinery had been overrated.

William Thompson, also, gave the same relation;
 It was not of the value charged, by fullest calculation.

James Hoey, the witness next was called, gave evidence to show
 The parties interested in the stock was bought so low,
 Five thousand shares, at "twenty-five," were put upon the shelf,
 The parties operating, KETCHUM, OPDYKE and himself.

Charles H. Ward testified that, as a broker, he
 Knew the value of the stock in eighteen sixty-three;
 It ranged from forty-five to fifty-five, at which the sales were made;
 The witness spoke as knowing well its daily market grade.

Here Counsel required they again should have *Stover*,
 So he was recalled, they examined him over;
 Cross-examined him, too, as much as they pleased,
 In Fort Lafayette he long had been squeezed;
 In the whole of his conduct there was not a flaw,
 He was placed in the Fort without Justice or Law;
 His views on the subject, that he might explain,
 He delighted the Court with the following strain;
 Whatever on earth induced him to do so,
 The air of his song was "Old Robinson Crusoe:"

"HABEAS CORPUS."

AIR— *Old Robinson Crusoe.*

Oh, Habeas Corpus, why did you die?
 Why did you go and leave us?
 Why did you make a last good bye,
 And such an old friend bereave us?
 But thus it is, when growing old,
 We find our hope's delusion,
 And all alone are left to bemoan
 The ills of our Constitution.
 Great old Habeas Corpus! good old Habeas Corpus!
 Oh, why did you die and leave us to cry,
 We've lost our Habeas Corpus?

The people rave around your grave,
 Our country why forsake her?
 The Marshal Provost has no tears to flow,
 But serves as an undertaker.
 'Twas no friendly blow that laid you low,
 But one was given on purpose,
 For Freedom's self is laid on the shelf,
 Beside her Habeas Corpus.
 Great old Habeas Corpus! good old Habeas Corpus!
 Why did you leave, and cause us to grieve,
 Good old Habeas Corpus?

There's something to pay in four millions a day,
 As the world turns round on its axis,
 And although we may fight for the Union and right,
 And not care a fig for our taxes!
 Oh, what do we gain, by all that are slain,
 As the war for the Union's extended,
 With all we have lost, and all it has cost,
 With Habeas Corpus suspended?
 Great old Habeas Corpus! good old Habeas Corpus!
 Take, if you please, our bread and our cheese,
 But leave us our Habeas Corpus!

Let Tyranny sway whomsoever it may,
 At home or abroad, let us meet it
 With all its bold art, true courage at heart,
 And our right and our might will defeat it.
 If a citizen get into Fort Lafayette,
 Or in secret is sent to Fort Warren,
 The same is his doom, in his sealed prison tomb,
 If the tyranny's native or foreign.
 Great old Habeas Corpus! good old Habeas Corpus!
 Oh, why did you die, and leave us to cry,
 We've lost our Habeas Corpus?

At Runnymede, the People's creed,
 By valor was attested,
 Great Freedom's chart, by manly art,
 From Tyranny was wrested.
 And since that day, no Monarch's sway,
 Or force of Tyrant's fury,
 Could e'er withstand or countermand
 The Right of trial by Jury.
 Great old Habeas Corpus! good old Habeas Corpus!
 Oh, why did you die, and leave us to cry,
 We've lost our Habeas Corpus?

Tho' writs of Right have lost their might,
 And leave us undefended,
 And martial power, but rules the hour,
 With martial pomp attended.
 Oh, let us pray, we'll see the day,
 To war no longer partial,
 When the Civil Court, if but for sport,
 Will swallow up the Martial.

Great old Habeas Corpus ! good old Habeas Corpus !
 Oh, why did you die, and leave us to cry,
 We've lost our Habeas Corpus ?

With STOVER's story through, and testimony tested,
 The Defendant's Counsel rose and said his case he rested.

REBUTTING EVIDENCE OF PLAINTIFF.

William W. Marston proved the bill of sale,
 And *William L. Colby* gave a full detail,
 And mentioned the items which were not demurred to,
 Of the value he placed on the goods were referred to.

Augustus Weisman, Supervisor for the County,
 At the time of the Riots and volunteer bounty,
 Recollects FARLEY's claim, knew not how they planned it,
 But knew well enough he could not understand it.
 To make things all square, as his memory runs,
 He left it to BLUNT, who knew all about Guns.

Boots (aside) — "May I be blowed, if this here isn't fun."
Newsboy — "Now, what on earth do you know about a gun?"

Charles D. Birdseye and *Richard A. Reading*,
 Were called upon to testify, with brevity exceeding ;
 They had been appointed examiners of claims,
 And had not much to testify, in answer to their names.

Orison Blunt was then called to the stand,
 And a buzz of excitement went round,
 As he stood up serene, and quickly scanned,
 The Judge and Jury profound.
 Having been sworn — 'tis true the report,
Orison blandly bowed to the Court.

Then *Orison* showed, as his story he told,
 His was the profession of arms,
 He had learned first to make them, when not very old,
 For Pistols and Guns have their charms.
 As FALSTAFF was followed by the BARDOLPHS and NYMS,
 The firm that he stuck to was old BLUNT and SYMS.

I know not, said *Orison*, much about scenery,
 Nor like *ROSA BONHEUR* know a horse,
 But I know about Guns, and all gun machinery,
 And an artist am reckoned, of course.
 It is not that I brag, but this I will say,
 Who knows more about Guns, I don't know him to-day.

I recollect well, that through the Comptroller
 Was this claim of *FARLEY* preferred,
 Witness up to that time, was an outside beholder,
 Nor from *FARLEY* nor *OPDYKE* had heard,
 When it came to the board, there was so much to do,
 They all said "BLUNT hear it and report when you're
 through."

I examined witnesses *FARLEY*, *MARSTON* and *KEENE*,
 And many others, day after day,
 I let each talk away, till his story was seen,
 When I said "Mr. Clerk, write away."
Hutchings put down, what he was told to by me,
 For the rest of the story was all fiddle-de-dee.

THOMAS C. FIELDS, I remember quite plain,
 At that time, did his services yield,
 Whenever he wanted a furlough to gain,
 I was happy to give it to *FIELD*.
FIELDS—"FIELDS, if you please." Well, *FIELDS* as you call.
 Did *FIELDS* speak of witnesses? No, not at all.

I know about guns, and this too I say,
 I never was in a "tight place."
 As a knowledge of guns is of use for display,
 The bar I'm determined to grace;
 If the jurymen wish on my efforts to smile,
 I can meet them hereafter and speak of the style."

As *ORISON* left, he was singing a song,
 And we give it place here, as it's not very long.

AIR—*My Name it's Columbus.*

"My name is well known, I was born in Connecticut,
 Of poor but honest parents as the story always runs. mrm
 'Twas in New York city, I served my apprenticeship,
 And there got my living, by making of guns.

When spending my days at a toil so laborious,
 On honor and wealth I then fixed my eye,
 For oh! in my bosom, the wish is glorious,
 I'm bound to be Mayor, by Jingo, or die.

Our country in danger, and torn by dissension,
 From War's desolation there's little to shield,
 A long list of battles too tedious to mention,
 By conscription is calling more men to the field,
 But while all this fighting is onward progressing,
 The volunteer bounty the draft does supply,
 While the people in wonder on me crave a blessing,
 For I'm bound to be Mayor, by Jingo, or die.

'Tis true I may get a nice testimonial,
 A draft on the city were better beside,
 A service of plate with arms quite baronial,
 Is a nice thing to have just to gaze on with pride,
 For oh, can you measure rich treasure, possessing
 A snug fifty thousand, bestowed on the sly,
 But this is a trifle, not worth while confessing,
 For I'm bound to be Mayor, by Jingo, or die."

Thomas C. Acton—"Is Commissioner of Police;
 On the thirteenth July, Sixty-three,
 At noon was an order, at the riot's increase,
 That our men should concentrated be,
 They were ordered to come to head-quarters that day,
 At the time I have mentioned, and make no delay.

MARSTON again was examined anew,
 As Counsel requested a question or two.
 When MARSTON was through, certain captains of police,
 Captains *Cameron* and *Burdick* gave evidence apiece,
 All of the story the captains related,
Bainfield, Buckman, Vosburgh, all corroborated.

James Mallette, of *Evening Post*, gave evidence entire
 What had been said by OPDYKE, when speaking of the fire,
 The claim would go in FARLEY's name, and as he then commented,
 The money in the business, he, OPDYKE, represented.

George W. Farley, then gave a long relation,
 That he was OPDYKE's son-in-law, and gave a valuation

Of all the stock, machinery, and men that were employed,
 Gave description of the Riot, and the factory destroyed,
 Had never said he was entire owner of the claim,
 He but answered to a question BLUNT asked him of the same,
 "Are you the owner of this claim?"-to which I answered, "yes,"
 As BLUNT spoke about the ownership, I said no more nor less,
 "Is there any other party will claim for this requital?"
 "To this I made reply, here's my evidence of title,"
 Producing then the document, a regular bill of sale,
 "That will do, my boy," said BLUNT, "now just begin your tale."

John Parrette, then detailed that he the books had kept,
 How fire and destruction, the property swept,
 The net proceeds at auction, the *débris* controlled,
 Twenty-six hundred, for all that was sold.

Miles French, in the fact'ry, kept the time of the men,
 And was also employed on the books with his pen.
 He was asked a few questions, and made but short delay,
 His answers through, he soon was "Miles" away.

General *Charles W. Sandford*, was then called to the stand,
 With his noble soldier bearing and look of full command,
 Tho' his hair is growing greyer and his locks are thin that stray,
 That once in martial primness, were the glory of Broadway,
 There's still a fire within him, as he walks with sturdy gait,
 The gallant veteran soldier of our Princely Empire State.

The General recollected, July, eighteen sixty-three,
 On the thirteenth of the month when he had come to town,
 He found a note from OPDYKE, requesting that he,
 Should come with greatest promptitude and put the riot down,
 He went to see the Mayor, of forces then bereft,
 His men had gone to Harrisburgh and scarcely one was left.

The General, a soldier, at danger did not cower,
 He gathered all the men he could command,
 And though but slim his numbers and much advanced the hour,
 He checked and kept the Rioters in hand,
 When martial force was absent the Riot had increased,
 With our Regiments' return all disturbance ceased.

The General then complying, with a Juryman's request,
 Who asked him if he'd sing a song, said he'd do his best,

And this the song the General sang, and sung with so much grace,
It's worthy special mention in the pleadings and the case.

"Not Julius Cæsar nor Nebuchadnezzar,
Nor all them poets and ancient bards,
Can vie with them heroes, like so many Neroes, [Guards."
That are to be found in "The New York Judge Mike Connelly
With their colors flying, to stand till *dyeing*,
Erin go Pluribus, Unum Bragh!

"The Captain's a beauty, when he's on duty,
Of divil a thing is he afraid;
Not mathematics can bate his tactics,
Or match him at the sojer trade.
With his colors flying, to stand till *dyeing*,
Erin Go Pluribus, Unum Bragh.

"There's Ensign DONNELLY and Corporal CONNELLY,
Oh! thim's the boys to fire a gun!
And if Sarjint McMENOMY should see an enemy,
'Tis he would show him—how to run!
With his colors flying, to stand till *dyeing*,
Erin Go Pluribus, Unum Bragh.

"There's Colonel O'NALE, sir, I'd go him bail, sir,
He'd take a fortress—on the longest lease,
And there's not a man, sir, but would take the Redan, sir,
If the inimy ownly would leave the place!
With their colors flying, to stand till *dyeing*,
Erin Go Pluribus, Unum Bragh.

"If Ginerall GRANT, sir, himself would plant, sir,
And say, 'my boys, let's have a fight,'
Be jim-a-neddy, they'd all be ready
To show themselves—just out of sight!
With their colors flying, to stand till *dyeing*,
Erin Go Pluribus, Unum Bragh.

"'Tis not fight they dread, sir, but then they've read, sir,
The Constitution o'er and o'er,
They're sogers in pace, sir, and this the case, sir,
They are well behaved, stay at home, quietly voting the
Mike Connelly ticket in time of war!
With their colors flying, to stand till *dyeing*,
Erin Go Pluribus, Unum Bragh."

Rufus T. Andrews then stood on the stand,
 He looked like a Prince, in his way,
 For of all the fine fellows, there's no one so bland,
 Or charms you like RUFUS the gay.

He, OPDYKE had known, from eighteen fifty-nine,
 An acquaintance, indeed, that was hearty,
 For he'd labored to aid him, all in his line,
 With his, Witness's "Know Nothing" party.

When LINCOLN, Chicago first put in the field,
 I thought it was better to range,
 As the doom of my party forever was sealed
 I felt better off by the change.
 This party I joined, for the office I wished,
 But traveled not far in my journey,
 When I in the scramble was done for and dished
 For the office of District Attorney.

I then took of things a more solid *survey*,
 And on fortune became an attendant,
 While I smoothly slipt in, in a suitable way,
 For the office whose giving was pendant.
 I started for Washington, longing to get,
 But was told that I should not remain,
 Belligerents there the thing had so set,
 I returned to New York again.

I remember I met with Mr. McNEILL
 At "his oyster saloon" on Broadway,
 While the table was "spread" with luxuries real—
 I know I had nothing to pay.

From this eating and drinking I well understood
 There was something expected from me,
 For WILLIAMSON there, talked as much as he could
 Of the things that he wished me to see.

He spoke at the time of OPDYKE's election,
 And as I for Surveyor was bent,
 He said I should give what would be a dissection
 Of the salaries, so much per cent.
 The amount that he spoke of and wished me to raise
 If I the Surveyor should be,

Was out of proportion in so many ways
It really too steep was, for me.

When I got into office they turned out a bore,
Those worthies, in one way or other,
For McNEILL really wanted appointments a score,
And WILLIAMSON one for his brother.
I examined his brother when not very tight,
His merits I wished to discover,
But found, on my word, he could not read or write,
So I kicked his appointment right over;
But ever since then I have found to my cost,
In slang articles against me a batch,
That WILLIAMSON's brother, so boldly I tossed,
Went to edit the *Sunday Dispatch*.

Question: Did you say you would give any large sum
If for you the appointment was got—
Did you promise when drinking the champagne or rum?
Answer: By no means, sir, most certainly not.

When I was in office but only a week,
McNEILL in an intimate way
Remarked that if I on appointments would leak,
The thing would be certain to pay.
Says he, do you know that out of each one,
I can surely make three hundred, cash.
Said I, "it is infamous," when he had done,
And his face turned the color of ash;
The rebuke that I gave him sobered him quite,
He slunk quite abashed to the door;
When he saw me in virtue shining so bright,
He returned to my office no more.

'Tis strange that the world is so given to lies,
That the talk in the oyster saloon
Should be so perverted and turned in such wise,
As to look that I needed a boon!
For here I declare, with an emphasis strong,
Had they spoken to me, as they say,
I'd have thought their proposal so morally wrong,
I'd have shrunk from the oysters away!

First Citizen (aside) — "That's noble talking, sir, don't you really think?"

Second Citizen — "Yes; Rufe's a good fellow, I'll ask him out to drink."

George Lockwood spoke, that SPAULDING's cloth,
This martial fact made true,
Tho' it might dye a bloody red,
It would not dye a blue.

Samuel G. Striker and *James T. Young*,
Much the same way their evidence sung.
Miles Richardson then was called to the stand,
But he was ruled out, in a moment off hand.
Albert Robertson and *Edmund B. Regua*
Were likewise ruled out, on matters of law.

James G. Barrett was sworn and testified,
"He thirty thousand yards of SPAULDING's cloth had dyed;
Piece goods, not as good as other cloth, he knew,
In taking a dye from Indigo blue."

Merwin R. Brewer, deposed, that walking Broadway,
Arm and arm with ULLMAN and ANDREWS one day,
They met Mr. OPDYKE, said he, "How der do?"
"Very well," said ANDREWS, "Pray how are you?"
Then ANDREWS said, "OPDYKE, do you know what," said he,
"That I the Surveyor am going to be?"
"Bless my nose!" said OPDYKE, "You don't tell me so,
Well, I'll be blowed," and his nose he did blow;
And then he went on, with many confessions,
Of what he owed ANDREWS, and other expressions,
That STANTON, his man, was a bad running horse;
He was "gladder" that ANDREWS would get it, of course.

About ANDREWS' appointment, the witness knew well,
And the following story proceeded to tell,—
On the ninth of July, it was the day we did depart,
For the noble Port of Washington, hope strong within our heart,
We landed there in safety, a staunch and jolly crew,
There was ULLMAN, KIRK, PRICE, BERTHOLF, and other coves I
knew;
A DENNIS and a COOPER fell in to give their aid,
All self-appointed delegates who "push" for Andrews made.

We waited on the President, and made a great display,
 We said in his Election we had nobly worked away;
 We gave our vote of party—a vote perhaps not small—
 As some would say, “no nothing,” and some “dark lantern” call;
 I spoke, from written argument, the finest declamation,
 And thundered forth strong passages from ULLMAN’S last oration;
 I said that from his labors had ANDREWS lost his health,
 And that now, if he got office, he would do good by stealth.
 “That reminds me,” said ABE LINCOLN, who always loves his joke,
 “Of that passage in the Scripture where Balaam’s Jackass spoke.”
 And he said, while laughing hearty, I thought he’d not outlive it,
 “For that truthful observation, to Rufe alone I’ll give it,
 Like the Stewart, in the story, there are many I could name,
 Themselves do good by stealing, and don’t blush to find it fame.”

George W. Blunt, sworn: lived in the city,
 Chairman of the Union Republican Committee,
 Books and Charts he published, mostly antiquarian,
 Was to the Coast Survey an outside Barbarian,
 Knew Plaintiff well, but knew not in sixty-one,
 What within the Custom House was either said or done.

Timothy C. Churchill, related and told,
 Of the many expedients were made,
 To raise funds for OPDYKE, “Greenbacks” or “Gold,”
 And mostly by Custom House aid.

John J. Phelps, sworn, ’bout the Mariposa Claim,
 Consulted Mr. Ketchum on the subject of the same,
 Had been shown a Pamphlet about the whole affair,
 And was told that General FREMONT would sell a quarter share,
 Two millions and a half was the value of the same,
 But witness thought the candle was not worth the game.

John P. Waring, declared there was increase
 In Fact’ry Gun Machinery, in value of each piece.
John A. Schenck, assumed, and said he estimated,
 The Factory Gun Machinery had not been overrated.

W. H. Armstrong, was clerk to the Mayor,
 Of all correspondence the witness had care,
 Witness identified the “Mayor’s Proclamation”
 In 1863, and “Police Communication.”

R. P. Sheldon, STOVER's truth to impeach,
 Said his general character was out of his reach,
 But as to particular, he was nothing loath,
 To say he would not believe him on oath.
On cross-examination, it came out quite hearty,
 SHELLEN was attorney 'gainst STOVER as party,
 And so 'twas apparent, as ev'ry one saw,
 What the witness declared, was *presumption of law*.

Charles E. Jenkins, then took the witness chair
 As Attorney for the Plaintiff, had taken special care,
 To take out a Commission, certain evidence to get
 Which had been sent to Washington, but not returned as yet.

With JENKINS' story ended and evidence complete,
 The aforesaid GEORGE OPDYKE, then took the witness seat,
 There was something in his features Don Quixote did recall,
 That is, the rueful visage, but the grandeur, not at all,
 His air it was so solemn, as he kissed the Sacred book,
 He strongly did remind you, of a languid Master Cook,
 Not Master Cooke, the Roscius, that long at Astley's played,
 But the Cook who was so meagre, that meagre soup he made.

OPDYKE'S TESTIMONY.

The Contracts for the Factory were made in my own name,
 The amount was charged the County was a just and honest claim,
 McNEILL had said the charges 'gainst the County were too small,
 And that things had been omitted, that were not so at all,
 The Twenty-five thousand the Government paid
 In the claim against the County no "charge" had been made,
 'Twas not all "forgotten," or put in quiet nooks,
 But written down in figures on the pages of our books.

I did not make a bargain 'bout Custom House Surveyor,
 Provided I got money to be elected Mayor;
 I never saw McNEILL in Washington at all,
 The story that I did so I fabrication call;
 I did not go to Washington that ANDREWS might have place,
 And of my name at WILLARD's his books have not a trace.

As to money from the Custom House, the witnesses have stated,
 It was made in contributions, when I was nominated;
 And as to the contracts, in which I bought or sold,
 The same in form and substance the witnesses have told;

All of CARHART's story about interests is true,
Such were the contracts of our firm whose filling we got through.

I ne'er forestalled the market, whatever it might be,
For there was A. T. STEWART had a larger stock than we.

EVARTS— We've nothing to do with STEWART—don't want to hear
'bout him.

FIELD— Of course, you only want to hear of those with honor slim
In dealing with the Government, that we know quite well.

EVARTS— You've hit the very story of your client that we tell.

FIELD— You've no right to say that, and I give it denial.

EVARTS— And do you assert Mr. STEWART's on trial?

FIELD— No; but Mr. WEED is, I hope you've found that out.

EVARTS— 'Tis somewhat late to ask who is, that's fixed beyond a
doubt.

Cross-examined.

If the claim entire, as BLUNT made out, had been then fully paid,
On six thousand Guns the Royalty would then of course be made;
And there's equity about it, altho' it awkward looks,
As the Supervisors docked from me, I docked off from Brooks.

Francis C. Cross was examined, to show
Machinery goods could never be low;
And so Cross-examined did Mr. Cross go.

Here a laugh was in Court, at the bootblack, that jested,
And the Plaintiff got tired, so sat down and rested.

DEFENDANT'S REBUTTING EVIDENCE.

Robert C. Hutchings— Did recollect well
When the claim 'gainst the County was paid,
That FIELD 'gainst its passage did strongly rebel,
And requested more witnesses in the Gun trade.
He urged such request as a thing that was fair,
But this was opposed by BLUNT who was there.

Andrew Blakely then was sworn, and just allowed to tell,
"Was Republican—knew politics, thirty years well."
But the rest of his story, or what it was about,
The Judge he shook his head, and then ruled BLAKELY out;
Now this was a pity, if ever there was one,
That BLUNT could have a swear, as he knew about a Gun;

But here was ANDREW BLAKELY was placed in such a fix,
They would not let him have a swear, tho' knowing Polly Tix.

George W. Quintard declared he understood,
And knew Stover's character, 'twas remarkably good.

Aaron H. Burlingame—Minister South Baptist Church,
"Know H. D. STOVER since 1852,
His reputation excellent, 'twill stand a thorough search,
And STOVER in my church holds a pew."

Cross-examined by FIELD.

Q. "Is he attendant constant at your church?"

A. "Well, perhaps he leaves it somewhat in the lurch."

Q. "Didn't you consider him a back-sliding member?"

A. No I cannot say I did, not that I remember.

Q. You think you have worse in your congregation, then,

A. "We live in New York, and we deal with its men."

(*Laughter.*)

Hezekiah J. Monroe—Had long known STOVER,
Could indorse his character as good all over.

George W. Walgrove—Knew STOVER twelve years,

His character? Knew it was good,

He made clothes for STOVER, tho' strange it appears,

The matter he wished understood.

While he with much pride the acquaintance did own,

And STOVER did suit to a T,

He could not say with STOVER he was socially known,

As they never were out on a spree. (*Laughter.*)

PIERREPONT—Then I suppose it is well understood,

A man on a spree is socially good.

But as you have never with STOVER so been,

You don't know him that way? "Yes, that's what I mean."

FIELD—The whole thing's as plain as the skinning of rabbits,

As he makes STOVER's clothes, he of course knows his habits.

(*Laughter.*)

The Judge said to Counsel, 'twas too early to sup,

On the figures were down they had better sum up;

The evidence all it were well to review;

Which the Counsel, at once, proceeded to do.

THE SUMMING UP.

PIERREPONT'S ADDRESS TO THE JURY.

The fact that the course pursued by the Court,
 Gave counsel no reason to cite a Report,
 So able and ready and so even handed,
 Admiration sincere, has truly commanded.
 And a Jury unwearied, so prompt in attending,
 Deserve for their zeal, as sincere commending.

I think you have seen through the course of this strife,
 It is no pleasant thing to make foes in this life.
 It is not a choice pastime, to hold up to view,
 The fraudulent acts that other men do.
 Foes will come uncalled, they our pathway encumber,
 No wise man will seek to add to their number,
 But there cometh a time in the life of us all,
 We must choose between shuffling and stern duty's call,
 Between seeking our ease as our comforts invite,
 Or boldly contending for Justice and Right.

The feud that is here and does now culminate,
 A political feud, somewhat ancient in date.
 Suitors and Counsel, through you may search,
 They are all of the same Republican church,
 All save myself with its faith are imbued,
 And here are involved in a family feud.

What right had GEORGE OPDYKE, thro' motives of malice,
 To bring THURLOW WEED, to this Judicial Palace?
 Make this exhibition before this community,
 And think he could do it with perfect impunity.
 Let his own best friends answer, let the whole people say,
 For their verdict will stamp it, and never betray.
 As you've seen from the proof, in the libels as quoted,
 Mr. WEED was the party at first was garroted,
 "Father of the Lobby," he was named and assailed,
 As "Corrupter of Morals" he then was regaled,
 "Public Broker in Offices," and "Burglar" was called,
 As "Contriver of Schemes of Corruption" bemauled,
 In "Gridiron Railways" he was said to be steep,
 In "the basest of frauds," had gone very deep,
 "The coarsest of fellows," but "Ruffian" in fine,
 "A party to frauds in the boat 'Cataline!'"

All these revilings did OPDYKE get up,
Till WEED became vexed at the bark of the pup,
And with lash of his whip, sent him howling in pain
To ask from this Jury, a plaster in vain.

But here impend questions affecting our life,
The Freedom of the Press is in this very strife;
Shall our noble institutions, on which we all rely,
Live and breathe in purity, or with corruption die?
The civil war that's raging may soon have passed away,
Let not the Cannon cease to roar with Liberty's decay,
Let the Peace that comes upon us be a peace we have deserved,
With propriety of morals, and public rights preserved.

The charge his Honor gives you will more importance wield
Than a Major-General's order on any battle-field,
And your verdict will be stronger, in its moral force and right,
Than the issue of a battle, the world in arms may fight;
And strong, indeed, the instinct the people now reveal, [feel,
Tho' the brilliant march of SHERMAN, and the rout of HOOD they
Yet their minds are not diverted from the interests are true,
The rights are here impending in the issues tried by you.

Then the tone of the Orator changed with his speech,
As he took other topics, and spoke about each.

"The *World* newspaper, too, OPDYKE has sued,
On the charges alleged against Weed;
To this fact I might not be disposed to allude,
But from OPDYKE'S inordinate greed;
Fifty thousand from it he wishes to net,
So great is his thirsting for gain;
But I think, on the whole, the money he'll get,
Will build him a Castle in Spain.

"You may not agree with WEED in his views
Of our country's political ways,
But none who may know him will ever refuse
To give him their tribute of praise,
From the lone market woman in traffic that sells,
Or the workman whose toil never ends,
To the rich man secure, in his mansion who dwells,
You will find them his personal friends;
There are few in this world have like THURLOW WEED been,
More earnest in soothing the grieved;

The grass on his grave will ever be green,
From the tears of the hearts he's relieved.

"WEED made some mention of bargain^e and sale
Of the office of New York Surveyor;
As McNEILL and WILLIAMSON tell us the tale,
It is evident, truthful and fair.
'Twas the only Election, in City and County,
As Barney the fact does reveal,
That ever a claim, upon Federal bounty,
Was made so substantial and real;
Just look at the story ANDREWS has told,
And all his mistakes about facts,
For while he denies he bought and he sold,
The truth is revealed by his acts.

"He says he met OPDYKE, on Broadway, you know,
And the date was July the second,
And then he told OPDYKE he had the best show
For Surveyor, on which he then reckoned;
And yet long after that, his chance had concealed,
Lest OPDYKE himself got to know it,
For it then would spoil all, if the thing was revealed,
And the President would not bestow it.

"Now, BREWER relates 'twas the twelfth of July,
At the President's house that they met,
To try and convince him, with good reasons why,
Mr. ANDREWS the office should get;
But ANDREWS asserts his appointment was made
Before the *fifth* as his date;
Now surely his mem'ry some false trick has played,
As ANDREWS could never misstate.

"And as to the Libel, Mariposa at large,
The Jury will see we have made good the charge;
OPDYKE, KETCHUM and HOEX, in fact did obtain
Much more of the stock, it was certain and plain,
Than the libel had charged, by a hundred thousand more,
While they got out of FREMONT, both worried and sore,
Two and a half millions, without paying a cent,
But merely their names and their influence lent;
I think this may be called, with vengeance, a scalding,
And forcibly shows, a truth told by SPAULDING,

If your hand in the mouth of a Lion should stray,
 You had best get it out in the easiest way;
 So FREMONT, oppressed by his debts as they stood,
 Got his hand from the Lion the best way he could.

“There is an allusion to a fee paid to FIELD,
 And rich is the harvest, abundant the yield,
 When a fee to a lawyer, tho’ brightest of scholars,
 Approaches the sum of two hundred thousand dollars.

“The next charge we have, and we’ve proven it true,
 That OPDYKE made more than a Gentile or Jew,
 In the Government Contracts he had in a body,
 The hundreds of thousands he made out of shoddy.
 Now, if you’ll bring here, from the nations on earth,
 Any one of their number, whatever his birth,
 Who has made more than he on his contracts at large,
 By sharp thrifty practice, we take back the charge.
 And OPDYKE denied, in his own published letter,
 That a Contract he owned, although he knew better,
 So that every line was a falsehood distilled,
 For he then lay with Contracts an Anaconda filled.

“When OPDYKE was Mayor, by exertion of friends,
 McNEILL, WILLIAMSON, ANDREWS and other God-sends,
 By the aid of the money he took from the Clerk,
 Destined to want on his custom house work.
 He used his position, nor used it in vain,
 In pushing his fortunes—to revel in gain.
 While the poor man was giving his country his sons,
 OPDYKE was thinking of profits on Guns;
 But of all of his schemes he the least knew of this,
 And so, at the outset, the Guns made a miss.

“This Contract commencing, breech-loading carbines,
 Is not one which labor a profit assigns,
 And Opdyke goes deeper and deeper in debt,
 But never a Gun from the place could he get.
 When he saw that this fact was so certain and stout,
 He was willing to lose could he only sell out.
 And thus matters stood till the month of July,
 When the Fact’ry began some guns to supply,
 But then came the Riot and Factory’s burning,
 And what there was lost is of ready discerning.

"Now this is as certain as that men were employed,
 OPDYKE should get back only what was destroyed.
 This was his first view, till he altered his tones,
 When he heeded the tempter, MEPHISTOPHELES JONES,
 Who, for his own sake, to instruct him took pains,
 And OPDYKE went in to make losses gains,
 For JONES gives the figures, the clearest on earth,
 Of the thousands, exceeding the property's worth."

Thus PIERREPONT went over the facts in the case,
 In a plain, lucid manner, with eloquent grace,
 Plaintiff's acts he set out in full glaring light,
 The Jury should say if they thought they were right.
 If they thought they were right, he only could say,
 That corruption and wrong had then won the day;
 If such acts by the Press should not be revealed,
 Then freedom was dead! our destruction was sealed!

EMOTT'S ADDRESS.

Then EMOTT began and took up the thread,
 Of all the discourse where PIERREPONT had led;
 He was forced to advert to the opening address,
 Studied and willful, as all must confess.

"He remembered he had read of one at the bar,
 To whom deputation once came from afar,
 To get his instruction, as worthy of note,
 Whom they should support, and for whom they should vote.
 The Lawyer advised, as he rolled up their fees,
 To go to their closets, and down on their knees,
 And there while they knelt and were praying with zeal,
 The way they should vote the Lord would reveal.

"If we could have looked in the Counsel's own closet,
 And there, by some magic, ourselves could deposit,
 We surely had seen, it must be agreed,
 A tempter there squatted, in shape of one WEED!
 For that op'ning address has the malice and cunning
 Into which THURLOW WEED is so constantly running;
 And while it referred to our great Constitution,
 It said here commences a great Revolution;
 Who were the MURATS, the DANTONS, and others,
 Who made up the list of the Jacobin brothers?"

“WAS WEED, ROBESPIERRE, in manner so scurvy,
 As to set matters going such way topsy-turvy?
 Through mischief destroying the grandest of charters,
 And leaving poor OPDYKE the first of his martyrs.
 Of those grouped together, and set to one tune,
 In the Rescript he wrote and published last June,
 KETCHUM, HOEY, FIELD, PARK GODWIN and GREELEY,
 Were they strung together for dishonesty, really?
 Oh, no, not at all, but because they were hated,
 That heavy with blows, these men were berated!

“GEORGE OPDYKE’S a man, that all must confess,
 Has risen with honor, to fame and success.
 His enemies charge his friends he has spurned,
 But that is a fact no friend has discerned!
 If he shines in one quality more than another,
 ’Tis in sticking like wax, just as close as a brother.

“Any person in Court, and who looked at its dial,
 Would have thought all the while it was OPDYKE on trial!
 But the truth of it was, it must be agreed,
 The man upon trial was one THURLOW WEED.
 And tho’ it is charged this suit’s brought for money,
 That OPDYKE so loves it, as locusts love honey,
 What the Jury bestow, he will not take to spend,
 But to some Public Charity the money will lend.

“In order to make these libels go by,
 The defendant must prove them, and so justify;
 But look o’er the libels, examine them all,
 Is there proof to support them, tho’ never so small?

“OPDYKE had a right to the claim he had made,
 For the price of the guns, as if finished quite neat,
 Deducting the labor, or sum, in the trade,
 He would have expended, the whole to complete.

“The statement, that OPDYKE Surveyor had sold,
 Supported, on oath, by McNEILL,
 The witnesses all, their story have told,
 Would the Jury believe it was real?
 Or would they believe, unsupported by test,
 The story the Libeler told,

Mariposa Stock, which FREMONT possessed,
 Had been taken unfairly, and sold ?
 For FREMONT himself, in Court told his tale,
 The Stock he had owned, and the Stock went for sale."

And thus, the fluent Orator spoke for his Client's cause,
 Appealing to the Jury to vindicate the laws,
 That character was precious to man in ev'ry station ;
 And closed his terse remarks with a studied peroration.

EVARTS' ADDRESS TO THE JURY.

"With my friend and associate and learned opponent,
 I agree you have been with the Court a consonant,
 In fidelity, patience and virtues quite rare,
 Through this long tedious trial, its labor and care ;
 And I not less admire the firmness and learning
 Of the judge who presides with impartial discerning,
 Who has guided our progress, from early to late,
 In the service of morals and good of the State.

"If ev'ry one possessed the ability to shield
 His client from the perils of the legal battle-field,
 As displayed by my opponent in his pleading you have heard
 In speciousness of logic and eloquence of word,
 We never could proclaim it, a sure and certain law,
 That "no one maketh bricks without the use of straw."

"But the facts are here before us, and simple indeed,
 Fifty thousand dollars are asked from Mr. WEED,
 And OPDYKE, full of riches, is anxious to get more,
 Because from inward bruising he feeleth very sore ;
 But then for fear your verdict he may not now obtain
 And you may check the promptings of his avarice and gain,
 He tells you by his Counsel, in a weak and timid voice,
 That your verdict, not the money, will make his heart rejoice,
 For once he'll be magnanimous if ever he was coy,
 And give it all to Charity, and not a cent enjoy.

"Tis a question interesting, appealing to the senses,
 Will he give the whole to charity, or first deduct expenses ?
 And if the sum awarded, to charity is given,
 Can we then estimate it as a Treasure laid in heaven ?

Who is to get the credit, is it OPDYKE? is it WEED?
 For it is not OPDYKE's money with which he'll do the deed;
 Or will the jury take it, and place the full amount,
 In some equal, fair division, to a charity account?
 How sink his bold endeavors, how dull and low and flat
 When appealing to your charity he thus sends round the hat?

"When we go back some years in the annals of our State,
 There was a man named Zeriger, the Chronicles relate,
 Who in editing a paper as Monarch sole he reigned,
 For it was the only paper the Colony contained;
 But having made some strictures on a Governmental fact
 He was to Power a victim and imprisoned for the act.
 Information lodged against him and arraigned before the Court,
 The plea to jurisdiction the Judge would not support,
 He was left without defense, yet in his hour of need
 There was one ANDREW HAMILTON stood forth his cause to plead,
 He contended that the libel should be proved to be untrue,
 But the Royal Judge presiding, said 'that quibble will not do,
 For a maxim 'tis in law, that's as true as is the Bible
 The greater is the truth the greater is the libel.'
 The counsel still insisted, but the Judge then ruled it plain
 Publication once admitted, all other pleas were vain,
 And then he charged the Jury, the duty was with them
 The crime against the Prisoner by their verdict to condemn,
 'You must find the Pris'ner guilty, your verdict I'll record,'
 And then out spoke the Jury: 'He's Not Guilty, my Lord.'
 Their verdict then was greeted with the people's wild applause,
 And cheers rang through the Court House for their triumphant cause.

"To HAMILTON was voted as defender of the right,
 The freedom of the city, and a Purse that was not light,
 No OPDYKE there to veto — what the People did award,
 On the ground of the expenses, or what he could afford,
 For in the case I've cited, the Inscription is retained,
 'Was honor not by money, but by public virtue gained.'
 No official Lamp of OPDYKE, that motto could parade,
 For OPDYKE for his office, had Twenty Thousand paid.'

"Now as to General FREMONT, and the Mariposa Stock,
 The libel's imputation, is as firm as any rock,
 As FREMONT's shares were going and growing very small,
 He had reason to be thankful, they did not take them all!

The Millions shares for nothing, and the fee that FIELD receives,
 FREMONT, indeed, may Heaven thank he did not fall among thieves;
 But they did not take, say Counsel, more than was required,
 Oh no, indeed, you may be sure, no more than they desired,
 And in this sense of question, does the General's answer come,
 'Is any sheep, the less fleeced, because he may be dumb.'"

Here let us leave the Speaker, in his great and matchless art,
 The burning fire of eloquence to truth he did impart,
 For his speech before that Jury, will sure outlive the day,
 When the living men who heard it, will long have passed away.

FIELD'S SUMMING UP.

When FIELD addressed the Jury, altho' it may seem funny,
 The air he spoke his words unto, was "cruelty to Johnny."

"Oh! cruel is that THURLOW WEED, who made this great display,
 Who's kept you here about a month, without a cent of pay,
 And cruel are the witnesses, and cruel are the laws,
 And cruel are you Jurymen — unless we win our cause.

[Bootblack: "Give him the chorus, Billy!"]

CHORUS — Doodleum, doodleum, di do, &c.

"I may not speak with eloquence, or pitch it very strong,
 But if I do not make it short, I think it will be long,
 In going over evidence, and closing every part,
 And bearing up against the tide by force of legal art!

[Bootblack: "Give it again, Billy!"]

CHORUS — Doodleum, doodleum, di do, &c., &c.

"As to all the statements the libels have contained,
 You see how well the witnesses, the facts have all explained,
 The guns destroyed and property, machinery and all,
 Were really charged at such a price, the Jury right would call.

[Bootblack: "A wopping chorus, Billy!"]

CHORUS — Doodleum, doodleum di do, &c.

"Then the allegation OPDYKE to be Mayor,
 Had bargained off with ANDREWS, making him Surveyor,
 There's nothing in the evidence, the Jury would receive,
 For no one in the Jury box, the story would believe.

[Bootblack: "Now go it, Billy!"]

CHORUS — Doodleum, doodleum di do, &c.

"'Twas strange, the many stories, were readily discerned,
As McNEILL revealed the bargain, and WILLIAMSON confirmed
The talks about the oysters, champagne and drinks were strong,
And if the Jury swallowed them, they really would do wrong.

[Bootblack: "Draw it mild, Billy!"]

CHORUS — Doodleum, doodleum di do, &c.

"As to Mariposa — the thing was all a cram,
The Stock they took was water'd, and was'nt worth a — cent.
If OPDYKE from FREMONT took many shares away,
'Twas only to oblige him, that what was left would pay.

[Bootblack: "Pitch in, Billy!"]

CHORUS — Doodleum, doodleum di do, &c.

'Tis strange how people speak about what they should leave alone,
My having got two thousand shares of course I don't disown,
One Counsel could not earn it, if he lived a hundred years,
And the other would not take it, if you asked him to, with tears.

[Bootblack: "Go it now, Billy!"]

CHORUS — Doodleum, doodleum, di do, &c.

As to Army Contracts, the thing is very plain,
Shall the man who is our Mayor have no chance to gain,
Must we leave to sharpeners our army cloth and beeves,
And all our gallant soldiers be fed and clothed by thieves?

[Bootblack: "Give it strong, Billy!"]

CHORUS — Doodleum, doodleum, di do, &c.

"'Thou shalt not bear false witness, moreover shalt not steal,'
Those are the two commandments affect the common weal;
Let your verdict be for OPDYKE, be it great or small,
And if you do not give it, may the devil take you all!

[Bootblack: "Give it with all the variations, Billy!"]

CHORUS — Doodleum, doodleum, di do, &c.

THE JUDGE'S CHARGE.

"Gentlemen of the Jury: certain duties now
Devolve on me, to which you all must bow,
And other duties, keeping balance true,
Are now evoked, which all belong to you,
And ev'ry suitor, Plaintiff or Defendant,
Will find those duties entirely independent.

"The Truth, in Libel, does now admitted stand,
 A good defense, in Courts, throughout the land ;
 In civil actions, when the Truth is known,
 It gives acquittal, by that fact alone ;
 But in Indictments of a criminal kind,
 Another rule does Publication bind,
 Not truth alone against the charge defends,
 But Publication, for some proper ends.

"There may be cases—we find them in the books,
 A man is libeled for his awkward looks,
 Has some infirmity, perhaps he squints ;
 Some one that's reckless puts it in the prints.
 If proved, the Squint, the Civil Court, you see,
 Will let defendant, for his act, go free ;
 The Criminal Court, another Judgment rends,
 It seeks for Truth, with justifiable ends ;
 In vain the Truth, unless beyond a doubt,
 Some worthy motive moved to point it out.

"Now, to this point we have arrived at last,
 Where you and I have different duties cast,
 But still together, so unite and blend,
 Where mine begin, or where your duties end,
 'Tis not so clear that one can truly say,
 The thing is simple, and as plain as day.

"If I in England were presiding there,
 I'd tell you simply, and it would be fair,
 You were the Judges of the law and fact,
 But here with us, it is not so, we act ;
 You now must watch me, for I tell you true,
 I may be taking what belongs to you.
 My right and duty, as I comprehend,
 Will here permit that I may verdict rend ;
 Altho' the maxim is a wise see-saw,
 To Jurors, fact—to Judges, is the law ;
 Yet there is exception to this rule again,
 When e'er the Libel is a thing that's plain ;
 The Judge may then the matter take in hand,
 And from the Jury *his* verdict then command ;
 But if a doubt the matter should becloud,
 That you may clear it is a thing allowed,
 For things obscure the Court will never budge,
 Of things unknown, the Jury's fit to judge.

"And the next point, which I must now examine,
Is where there's mention made of Oily Gammon,
'Tis in that passage, so pointed and so brief,
About Oily Gammon ever coming to grief;
Now, Oily Gammon is a proper name,
It means a person, but it may defame;
If so, of course, the name becomes *improper*,
And, as a Libel, I think it is a whopper.

"‘Ten Thousand a Year,’ a book that Warren wrote,
First tells of Gammon, as a man of note;
One of the firm of ‘Quirk, Gammon and Snap,’
With cold gray eyes — an extraordinary chap —
Who once in a graveyard, did at night discover
A certain Inscription, he there tumbled over,
Which he took up and read, and made it so clear,
That he got ‘Mr. Titmouse Ten Thousand a Year.’

"So, Jury, just mind what you are about,
If you think WEED is wrong, you'll so speak it out;
If you think WEED is right — well, then — let me see,
I think, on the whole, you had best disagree."

When the Jury retired, it happened that they
Believed on the merits with WEED,
And, when asked by the Court, on the following day,
They said that "they had not agreed."
For led by the Judge, on a technical point,
Some, six cents were willing to find,
But the others declared the thing out of joint,
And would give not a cent of the kind.

The Judge said he saw the thing might be so,
And, smiling, declared that the Jurors might go

Thus ended the Farce, to the People's content,
Not labor, nor time, nor money misspent;
In the truth of the lesson, or moral we draw,
From this seeking redress by the process of law;
For here, in this action, did OPDYKE suppose
The Jury would give him a balm for his woes —
The blows and the bruises — not grievances light —
He got in a wrangle — the worst of a fight.
Far better our ills and our injuries nurse,
Than make by exposure the remedy worse.
Truth speaks thus to men, in loudest of tones,
"Who live in glass houses should never throw stones."

OPINIONS OF THE PRESS.

The following opinions, from a few prominent journals, are deemed a fitting appendix to the foregoing report of the trial.

[From the Portchester Monitor.]

THE OPDYKE-WEED LIBEL SUIT.

This celebrated cause has finally terminated. It was brought to a conclusion on Wednesday morning last, at about half-past ten o'clock, the jury failing to agree. It is understood that *seven* were in favor of finding *six cents* damages for the plaintiff, while the other *five* were in favor of a larger amount. This result must be regarded as a verdict substantially for the defendant. The action was brought to recover fifty thousand dollars for an alleged libel upon the plaintiff, in publishing certain letters in the *Albany Evening Journal*, signed "T. W.," and written by Thurlow Weed, in which the plaintiff was charged with selling his political influence for the sum of ten thousand dollars; with having made out an improper claim against the county of New York for losses sustained in the destruction of plaintiff's gun factory, during the riots in July, 1863; and, in connection with this claim, asserting that the plaintiff, while Mayor of New York, was *ex officio* a member of the Board of Supervisors, and, as such, influenced the committee in auditing his claim for a much larger amount than was actually due; and also with having, in connection with others, taken advantage of the financial embarrassment of General John C. Fremont, while that gentleman was a candidate for the Presidency, and improperly obtaining an undue proportion of General Fremont's property. These were the principal charges contained in the letters upon which the action was founded. The defendant admitted the publication of the letters, and averred that the charges were substantially true—and that he was justified in making the publication. This was the issue pre-

sented to the jury. The case was tried before Judge Mason, and was conducted, on the part of Mr. Opdyke, by ex-Judge Emott and David Dudley Field; and on the part of Mr. Weed, by ex-Judge Pierrepont and William M. Evarts. The taking of the testimony occupied about fifteen days, and the summing up of the respective counsel, and the charge of the Judge, occupied about four days more. The case was given to the jury on last Tuesday afternoon. They remained out all night, and the next morning were brought into court, when they announced that there was no possibility of their being able to agree — and immediately thereafter they were discharged.

Thus has terminated, for the present at least, one of the most remarkable libel suits ever tried in this country. The parties were well known members of the Republican party, one of them (the plaintiff) having been Mayor of the city of New York, and also a prominent merchant in that city, who had accumulated, in a few years, a splendid fortune. The other (the defendant) was for many years the editor of the *Albany Evening Journal* (one of the most influential political papers in the United States), and also a distinguished leader in the Republican ranks, whose influence as a politician was greater than that of any other man in the Union. His political power was almost absolute. He commenced his public career as Member of Assembly in 1825, representing in part the county of Monroe, in the 48th session, which began on the 4th of January, and ended the 21st of April of that year. He was re-elected as a Member of Assembly from the same county in 1829, and took his seat for the second time on the 5th of January, 1830, with the commencement of the 53d session. The Legislature adjourned on the 20th day of April, 1830, since which time Mr. Weed has held no public office, having declined many positions of distinction and emolument, which on various occasions were tendered to him by his political friends and admirers. He preferred his position as editor of the leading journal in the State to all others, and for more than a quarter of a century he wielded the power of an autocrat in the political organizations with which he was identified. Such was the position of Mr. Weed when Mr. Opdyke undertook to overthrow and destroy him. In the language of ex-Judge Pierrepont, quoted by us last week, Mr. Weed "was assailed as the father of the lobby, as a corrupter of the public morals, as a broker in public offices, as fraudulently engaged in gridiron railroads, as a contriver of various corrupt schemes of corrupt legislation, as a coarse fellow and a burglar, as engaged in frauds connected with the charter of the steamer Cataline," etc. These and other slanders

were uttered through the press, it was said, by Mr. Opdyke—his object being to break down the Richelieu of the Republican party. But the attempt proved futile, for “old Thurlow turned upon his assailant, and with one crack of his sharp whip he sent Opdyke yelping under the bench of the Supreme Court, quivering and whining for greenbacks to plaster over the smarting agony of the wound.” In other words, he roused up the Lion, who, with fire in his eye, pounced upon his aggressor and literally devoured him. The action which has just been tried has demonstrated the extraordinary ability of Mr. Weed. He wrote a scathing reply to the attacks which were made upon him, and then opened his batteries upon the foe. He was equal to the conflict, for in all his charges against Mr. Opdyke he seems to have fortified himself with proof, and then dared his adversary to the test. During the whole of this protracted trial, Mr. Weed sat in Court, unmoved, with dignified port, conscious of his great resources, defiantly and proudly awaiting the exposition of his complete justification. Slowly, but surely, day after day, as the evidence on the part of the defendant was revealed by the witnesses, it was apparent that the plaintiff was over-matched. He was unable to withstand the raking fire of his antagonist, and twelve of his fellow citizens, under their oaths, were unable to tell how much Mr. Opdyke’s character had been injured by the alleged letters of the defendant. As we before stated, the disagreement of the jury is equivalent, in a moral point of view, to a verdict for the defendant, for in the eyes of the public Mr. Weed has been justified in most of the statements made by him concerning the public conduct of the plaintiff. We shall probably hear nothing more of this suit. There will be no second trial. Public opinion has settled the whole matter, and henceforth it will be well enough for some of our public officials to remember the old adage that “those who live in glass houses must never throw stones.”

Mr. Opdyke, we presume, is pretty well satisfied that in a community like that of the city of New York, notwithstanding the general corruption existing among many of the public officers, neither wealth nor political standing, nor the influence of a national administration, can screen the guilty, or save the public plunderer from the just verdict of an honest and righteous jury.

[From the New York Sun.]

THE OPDYKE-WEED TRIAL.

For nearly a month, the public and politicians have greedily perused the evidence brought before the court, in the trial of a

cause which is destined to be quoted as one of the most remarkable ever argued before a judicial tribunal. Although the plaintiff, Opdyke, brought a suit for libel, claiming fifty thousand dollars damages from the defendant Weed, the moment the suit is opened in court their respective positions appear to be reversed. Opdyke is so cleverly converted into a defendant that hundreds of unthinking people, who knew that this trial was progressing, imagined that the ex-Mayor was being tried for obtaining money under false pretenses, or some other equally grave misdemeanor. The chief interest in the case was doubtless due to the fact that the suit was brought by a so-called leader of one Republican faction, against the powerful chief of another Republican organization. As the former was determined to wash his dirty linen in full view of the public, the usual number of idlers gathered to witness the operation. When the soiled garments were, one after another, placed in the cleansing machine, those employed to count the pieces took pains to show every dirty stain before finally turning on the hot water of legal acumen and forensic eloquence. As the trial progressed it became evident that all the soft soap likely to be used would be insufficient to erase some of the dirt that had accumulated upon the linen which our Ex-Mayor was having washed in presence of the public. The defendant, who had tried the effects of "bleaching powders" before, evidently knew that his opponent could not accomplish his purpose without using a more powerful detergent than any hitherto known to our courts of justice. Accordingly, Mr. Weed, through his counsel, simply watched the operation, from time to time stirring up by "cross-examinations" the impurities forced out of the soiled linen, during the process of removing from it the dirt Mr. Weed had intimated was to be found thereon.

Those who have watched these proceedings will never forget the appearance of the two prominent parties, as the trial progressed. "Lord Thurlow," calm, smiling, genial, the perfect picture of unconcerned benevolence, sitting beside his counsel, aiding them by an occasional suggestion, whenever a little more hot water was wanted, or some evidence given that required stirring up in the cauldron. He appeared like a self-possessed general following up the retreating movements of the enemy, who doubled and twisted, and turned in the vain attempt to elude his pursuer. On the other side, Mr. Opdyke (whose countenance revealed nothing higher than the expression which laid the foundation of Edmund Kean's fame in one of his celebrated characters) sat nervous, subdued, and ill at ease, near his counsel, one of whom sought to serve the interests of his client by proceedings that simply excited indignation. If a

physiognomist had been called upon to decide their respective positions by looking in the faces of the two most prominent men concerned in this trial, no doubt he would have designated Mr. Opdyke as the defendant, and Thurlow Weed as the plaintiff, in the action that terminated yesterday, by the disagreement of the jury.

The evidence, as disclosed, almost conclusively sustains this view of the case, and if Mr. Opdyke has gained any laurels few persons will be able to see them after reading attentively the evidence that transpired upon the trial. The libel which Mr. Weed was charged with publishing amounted to a general statement that the ex-Mayor used his position to increase his individual fortune and amass wealth by sacrificing public interests to further his own personal, political, or business affairs. During the trial it was shown that Mr. Opdyke had made \$172,000 out of contracts for army clothing, the bulk of which was doubtless manufactured at low prices by the poor sewing women, who have recently appealed to the public against the rich contractors, who realize enormous fortunes and refuse to pay living wages to those whom they employ. It also appears that Mr. Opdyke owned a very large interest in a gun factory (burnt down by the July rioters), for which the city paid nearly two hundred thousand dollars; a sum, some of the witnesses considered, much greater than the value of the buildings and materials destroyed. Mr. Weed in his letters, stated that Opdyke received ten thousand dollars for inducing the President to appoint Rufus F. Andrews surveyor of the port. This allegation was not sustained. It was shown, however, that six thousand five hundred and eighty dollars was collected by assessments on clerks in the Custom House, and paid over to individuals who had charge of the funds expended for the election of Mayor Opdyke. The ex-Mayor was also charged with defrauding General Fremont out of a very large share of his Mariposa estate, but the trial does not clearly establish the fact that the Pathfinder was cheated out of more than two-thirds of his interest in this valuable California real estate. The jury were evidently puzzled to determine who got the best of General Fremont, so many parties figured in the transaction, one of Mr. Opdyke's lawyers being spoken of as having received a counsel fee equivalent to two hundred thousand dollars. In "agreeing to disagree" the jury were doubtless convinced that where so much iniquity was shown, it was unnecessary to make any positive declaration concerning either party. If some of the jurymen were in favor of giving Mr. Opdyke six cents damages, while others were prepared to award him something more, the public will no doubt accept this

result, as the most appropriate ending of a famous trial. The liberties of the press having been preserved, and, at the same time, the private character of an individual having been protected, it is to be presumed that the community, and the litigants, will be satisfied with such a termination of an exciting judicial investigation.

[From the Rochester Democrat.]

THE WEED-OPDYKE CASE.

A correspondent at New York sends us some remarks on the Weed-Opdyke case, recently tried in that city, which we print as the sincere criticism of an intelligent and tolerably impartial lawyer in the case, without entirely agreeing with our correspondent's view of it.

NEW YORK, *January 16, 1865.*

The latest excitement in this sensational city has been the Opdyke trial. Four weeks is a long time in the life of a New Yorker in such times as these; yet during all this period the court room was thronged, and the riders in omnibusses and horse-cars asked each other daily what they thought of the evidence. The public seemed to regard the case as a trial of Mr. Opdyke, and one gentleman was heard to inquire of another whether he thought he would be found guilty.

It must be conceded that the weight of legal ability was on the side of Mr. Weed. Mr. Pierrepont is bold, vigorous and thorough, and his opening address to the jury woke up the public like the sound of a trumpet. Mr. Evarts argued the points of evidence which arose in the best professional style, and closed to the jury in an address which, for clear cutting logic and lucid demonstration, could not be surpassed. Against this combination Mr. Field and Judge Emott sustained an unequal contest. They were on the unpopular side. Their client presented anything but a handsome appearance as the evidence proceeded. Mr. Field was himself concerned in one of the transactions investigated by the jury, and Judge Emott, whose pure character and high ability give him deserved weight, seemed struggling against adverse influences. The result was a real triumph for Mr. Weed.

The transactions which gave rise to the suit throw valuable light upon the ways of our politicians. Mr. Opdyke has always been put forward by that class of persons who make the strongest demand for purity of administration. Whatever may have been his repute among the wire-pullers, the public had the idea that he disdained

the arts which disgrace so many of our public men. This exposure is a blow to those who have aimed at reform.

The most damaging fact which came out on the trial was excluded by the court. Mr. Weed had charged that Mr. Opdyke had "made more money by secret partnerships in army cloths, blankets, clothing and gun contracts, than any fifty sharpers, Jew or Gentile, in the city of New York." To this Mr. Opdyke replied in a letter to Senator Harris, which was published, as follows: "Equally groundless is the charge against me of being gorged with Government contracts. * * * You will be astonished at the mendacity of the charge when I inform you that these contracts with the offices of my son exist only in Mr. Weed's imagination. I have no Government contracts, nor have any business with the Government, direct or indirect." Upon the trial it was proved, that while at the time the letter was written Mr. Opdyke's statement was true, yet he had been engaged in filling Government contracts to a large amount. Neither Mr. Field nor Mr. Emott attempted to deny this fact, which makes the letter to Harris, if not a *suppressio veri*, at least a *suggestio falsi*.

Another unpleasant revelation was that Mr. Opdyke was in part reimbursed for his election expenses by contributions wrung from the scantily-paid Custom House officers. It was charged by Mr. Weed that this had been agreed between Mr. Opdyke and Mr. Andrews, as the condition of the support by the former of the latter for the very lucrative place of Surveyor of New York. Unless Mr. McNeil, a member of the New York Legislature, and Mr. Williamson, a leading supporter of the Administration here, were guilty of wholesale fabrication of testimony, this is true. But if it is true, Mr. Opdyke committed perjury, for he denied the agreement in positive terms. Either theory meets the moral of the transaction, which is, the disgraceful character of conspicuous public men.

The truth is, that the leaders of both political parties here are unworthy of public confidence. No one can rise from the perusal of this case without the conviction that politics, as at present conducted, are, at least here, a dishonest pursuit, and that the struggle is not for principle, but for the chance of plunder.

This trial afforded some pleasant illustrations of the manners of the New York bar. Mr. Evarts charged that Mr. Field had extorted from Gen. Fremont a fee of 2,000 shares of Mariposa. Mr. Field blandly retorted upon his opponent as follows:

"My friend Pierrepont need not waste his thoughts upon it, for nobody will ever make him such an offer, and he would not earn so much were he to live a hundred years. My friend Evarts would not

accept such an offer if it were made. He would not take a large fee, not he! His honest soul relucts at it as it relucts at one man helping another to an office upon any understanding, express or implied, that his friend will remember him. Now I propose this compromise with him: If he will make oath that when he went to Washington to procure the appointment of his friend to a certain lucrative office in this city, there was no understanding that he should receive the counsel fees which the office could bestow, I will promise not to cross-examine him." In this pleasant way the case was tried, to the amusement of the bystanders, but to the scandal of judicial proceedings.

Two persons won great credit in this case. Gen. Fremont, who was a witness, bore himself like a man under very trying circumstances; and Judge Mason deserves the thanks of the bar for the ability and dignity with which he conducted the trial. Had some of our judges been on the bench, the scandal would have been greater and the result less satisfactory.

CENSOR.

[From the Utica Morning Herald.]

LIBEL SUITS.

The termination of the libel suit of *Opdyke vs. Weed*, adds another illustration to the many on record, of the indisposition of courts and juries to punish severity of speech concerning public men. In this case, as in many others, the jury failed to agree. Whether, as some state, nine of the jurors favored exemplary damages, or whether, as others aver, seven of them would assent only to a nominal award, the case confirms what has grown to be a rule, that libel suits bear no fruit for the plaintiff. In this instance the alleged libel was perpetrated gratuitously, by a volunteer who sought newspaper columns for the express purpose; and the counsel urged this as an aggravation of the offense, and argued that no such immunity should be accorded to him as would be due to an editor in the regular discussion of men and affairs in the course of his duty. Of portions of the published allegations the defendant made no justification or explanation; other points he sought to establish and enforce. The case was sharply contested on both sides, with all the arts of rhetoric and law. The prominence of the parties, the eminence of some of the witnesses, and the ability of the counsel, will place it among the *causes celebres*. It may again be tried, for the parties have means and persistence. But the rule will be likely to find further exemplification, that libel suits seldom result in real verdicts

for the plaintiff. And the rule, we believe, has become so well determined, that no ordinary causticity of remark, or offensiveness of charges, will effect an exception.

This is a tribute to the general fairness and justice of newspaper criticism. Mistakes will occur; individuals will suffer wrongfully; but the disposition to be just and fair is almost, if not quite, universal with the press. Freeness and fullness of speech require, as a condition, immunity from petty and annoying prosecutions. This the temper of courts and juries insures to journalists, out of a deep sense of the great value to society and the State of that independent censorship which the press exercises. The laws are stringent and well defined, and may be enforced against flagrant and positive abuses. Against an editor of common prudence and recognized integrity they are a dead letter, even if he should fall into glaring and culpable fault. Any one who deems himself aggrieved may bring annoyance and some little expense upon a newspaper by instituting a prosecution; but all this will fall in equal or greater degree upon himself. He will find lawyers willing to help him, but the sentiment of the community, although it may deem him wronged, will turn to the other side before he can bring his case to trial, and it will be a difficult thing to empanel a jury which will agree in a severe verdict against any reputable established journal.

The fact increases the moral responsibility of newspaper conductors. Practically there is no check upon their criticism and verdicts, but their own sense of right and honor. They may strike, and the law sets no shield between them and their victim. They may assail, and only conscious integrity can stand scatheless. They may condemn, and only their own injustice can nullify or weaken the effect of their condemnations. Pure and noble character cannot be shattered or besmeared by unjust censure; before the concentrated light and heat of newspaper criticism the weak and the base must be exposed and melted down. In the long run, plain speech, even reckless condemnation, can harm no true man; false charges, in time, correct themselves; and the freest and fullest discussion secures the promptest and completest measure of justice.

Whether we adopt the theory of the plaintiff, or that of the defendant, as to the merits of this particular case, we cannot fail to perceive in its result, indications of the obvious truth we have mentioned. A libel suit may ventilate particular subjects before the public eye. It may bring the defendant into court, and put him into the hands of lawyers. It may produce annoyance and compel expenditure. But a verdict for exemplary damages has ceased to grow on that tree.

[From the Buffalo Courier.]

PUBLIC MORALS—THE WEED-OPDYKE CASE.

The New York *Journal of Commerce*, in an article on the Weed-Opdyke case, says:

"There is one point in this case to which we desire to direct attention. It is of the highest importance, as illustrating the present state of our public morality.

"It was charged that Mr. Opdyke sold an office, receiving pay for his influence in obtaining an appointment. The evidence offered to sustain the truth of the charge was, that, in consideration of his exertions, money was promised from the Custom House to aid in the election of Mr. Opdyke to the mayoralty. This was denied by Mr. Opdyke, and we do not pretend to decide as to the truth of the matter. But the startling fact was that Mr. Opdyke and his counsel, admitting the receipt of several thousand dollars from Custom House collections, to aid in his election, boldly took the position that this was usual and common, and that there was nothing in it which was to be found fault with. In short, it was justified as an established American custom, and, from the silence of the other side on the subject, it would seem as if it were an admitted doctrine that the raising of money in the Custom House for election purposes, by the assessment of clerks, &c., was an established part of the American common law, and fully approved by the American code of morality.

"What have we come to, if this be so? Let it be distinctly understood that this custom is not confined to the Republican party. It is a Democratic custom also. There is no superior morality in one party over the other in this respect. But have we arrived at that stage when the public mind is prepared to assent to the doctrine that it is right, proper, moral, approved by good citizens, for a party in power to assess its officeholders, and thus use the public money in its hands for the purpose of extending or perpetuating its power? It is well known that this custom prevails in the Democratic party wherever it holds offices. In this city, especially, it is the curse of the charter elections. It is the plundering system on which numerous organizations are founded and fattened. And in national politics it results in demoralizing the entire body politic. Instead of permanent, efficient, skillful and experienced clerks and officeholders, it gives us tools of partisan organizations in responsible posts, and wastes the national power and wealth for the reward of partisan services. Why are people so blind to this grand defect in our public policy? When the custom of assessing officeholders for election purposes began, or was first made public, it was received

with indignation by the honest sense of the people. We have traveled so fast that we now see an ex-Mayor of the city justifying the custom as perfectly right and proper, and one which he believes to be sustained by the public sentiment of the day!"

[From the Buffalo Commercial Advertiser.]

THE OPDYKE-WEED LIBEL SUIT.

The result of this long-contested case will not surprise any one who has kept posted in its details, as it has dragged its slow length through the columns of the New York papers. The jury, after being out twenty-four hours, came into Court and stated that they could not agree. It seems that the court had charged that upon one point, which was undefended, the publication was libelous in law; and it was upon this point that the jury were unable to agree, nine of them desiring to give a verdict for six cents, the others being in favor of some other sum. The *New York Times* states that "upon the announcement of the result many of the citizens in attendance crowded around Mr. Weed and his counsel with congratulations."

We sincerely tender our congratulations, as well, to the veteran who has thus again triumphed over his enemies, and we commend the result to the attention of sensitive politicians who feel inclined to rush into court for plasters to damaged reputations, as another instance of the unwillingness of juries to place any restriction upon the proper freedom of the press. Having within the past four years had the pleasure of "adding up" certain ambitious politicians in this locality, who dragged us into court to answer the charge of having defamed their characters, which the juries valued at precisely six cents, we feel justified in extending our hearty congratulations to Mr. Weed upon the "lame and impotent conclusion" which has attended this last raid upon his private purse.

Libel suits may now be considered as about "played out." Nothing can justify editorial attacks upon private character, but when a man puts himself before the people and asks for public positions of honor and trust, he should understand that he places himself upon trial, as it were, and can no longer screen himself behind the immunities due to private life. If he is bold enough to ask his fellow citizens to certify that he is honest, capable and virtuous, he must not complain if some who know to the contrary, speak "what they do know," for the benefit of the public at large.

[From the Buffalo Morning Express.]

THE WEED-OPDYKE TRIAL.

For the present this long-winded trial has been brought to a close, by the non-agreement of the jury. We doubt if it ever goes upon the calendar again. This whole affair possesses some very peculiar features. Opdyke sued Weed for the recovery of damages sustained through the publication of an alleged wicked libel. Mr. Weed defended, and the suit was brought to trial, and, by a very peculiar turn of the case, Opdyke, instead of Weed, was on trial throughout. The testimony was far more damaging to the character of Mr. Opdyke than the libelous article, which was made the foundation of the suit, would have been if let entirely alone; and hence, in our opinion, this is the last we shall hear of the Opdyke-Weed libel case. Opdyke went a wool gathering and came home shorn.

While we have not approved of all that Mr. Weed has written and published over the signature of "T. W.," during the last year or two, yet in this Opdyke controversy he has had our fullest sympathies. Because of political differences, there has been an evident conspiracy in and out of New York city, to assail and damage the reputation of Mr. Weed by every possible invention. He was pursued with a malignity almost without parallel, and when pushed beyond patience, he turned and rent his persecutors. It was out of this proceeding that the famous libel suit originated, and we congratulate Mr. Weed upon the result. Those who are in such haste to gratify personal or political malice by gross defamation, may draw a salutary lesson from this case. It teaches that it is not safe for him who is not without fault, to cast the first stone.

[From the Norwich (Conn.) Morning Bulletin.]

THE OPDYKE-WEED LIBEL SUIT.

The trial of the famous libel suit of ex-Mayor George Opdyke *v.* Mr. Thurlow Weed, was begun on Tuesday, December 13, and after continuing through eighteen days, was given to the jury on Tuesday, the 10th instant. After being out twenty hours, they found themselves unable to agree. The court having charged them on one point of the publication, that it was libellous in law and undefended, the jury could not decide upon that point whether six cents or some other sum would be the proper amount of damages. Seven of them at one time, and nine at another, favored the award of six cents. There is, apparently, a law of libration in affairs, in accordance with which it is perhaps fitting that this cause, protracted to such an

extraordinary length, calling out so many men of more or less eminence as witnesses, and pending between personages of such peculiar public notoriety, should have ended in no verdict, and in a debate whether six cents' worth of hurt was done the plaintiff's character by the publication of the libel.

[From the Northern Journal.]

THE OPDYKE-WEED LIBEL SUIT.

No libel suit which has ever been tried in this country has excited so much attention, or occupied so large a space in the public press. It has continued through a full month, the parties having employed the very ablest counsel in the State.

It has been evident to very many, for some time, that there could be no heavy verdict for the plaintiff, and a disagreement seemed most probable.

And this is the result. The Jury have *not* agreed, there being *seven* for a verdict for the defendant and *five* for the plaintiff.

This is, of course, a substantial verdict for the defendant; and that he deserved such a verdict, no one, we think (whether friend or foe) will doubt who has carefully read the testimony.

[From the Batavia Advocate.]

THE OPDYKE AND WEED TRIAL.

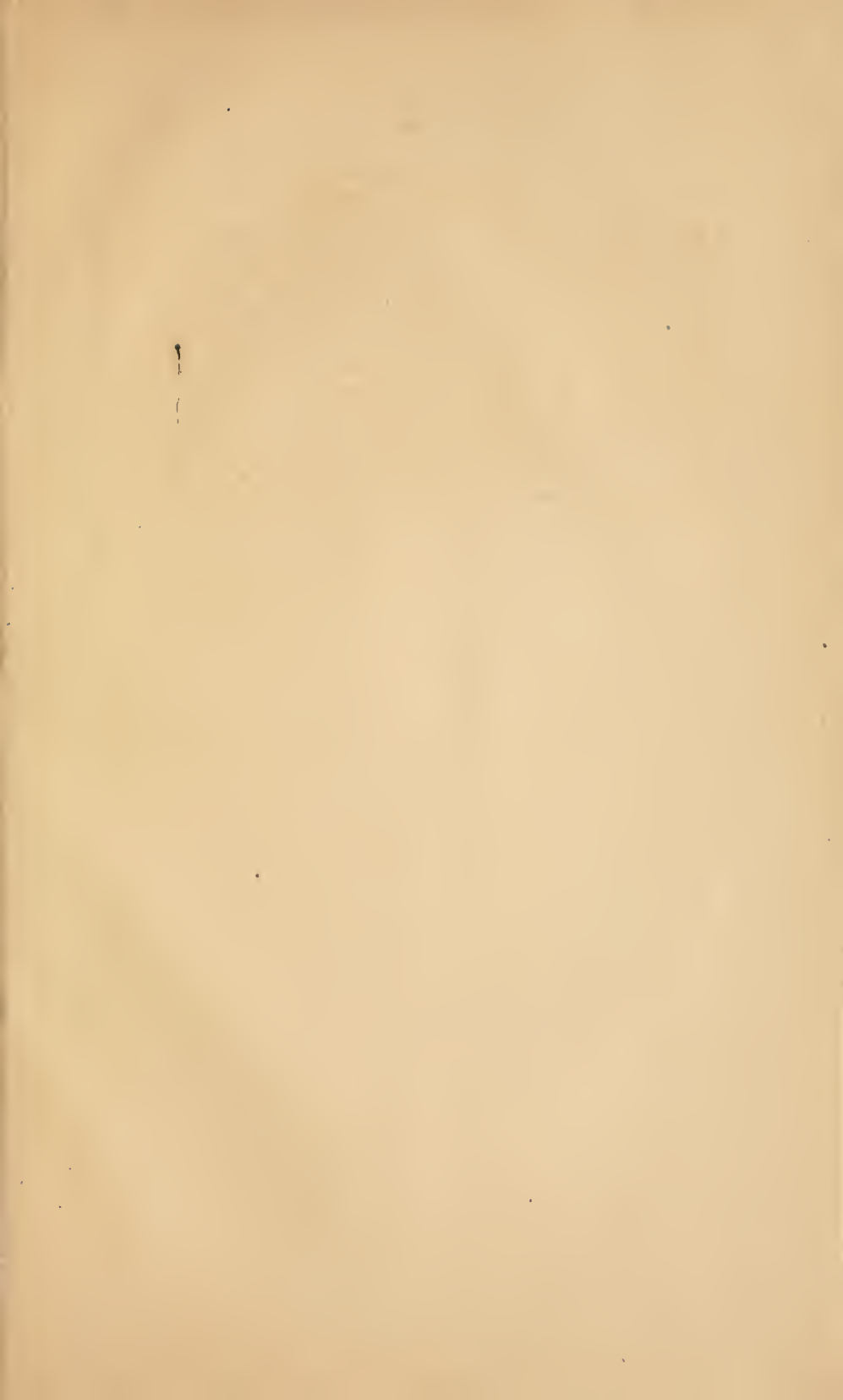
This celebrated trial, which has been before the Court in New York for a month or so past, has finally come to an end. It was a suit for libel, brought by George Opdyke against Thurlow Weed, founded upon one of the letters published in the *Albany Evening Journal* some months since, in which Mr. Weed made some very damaging charges against ex-Mayor Opdyke.

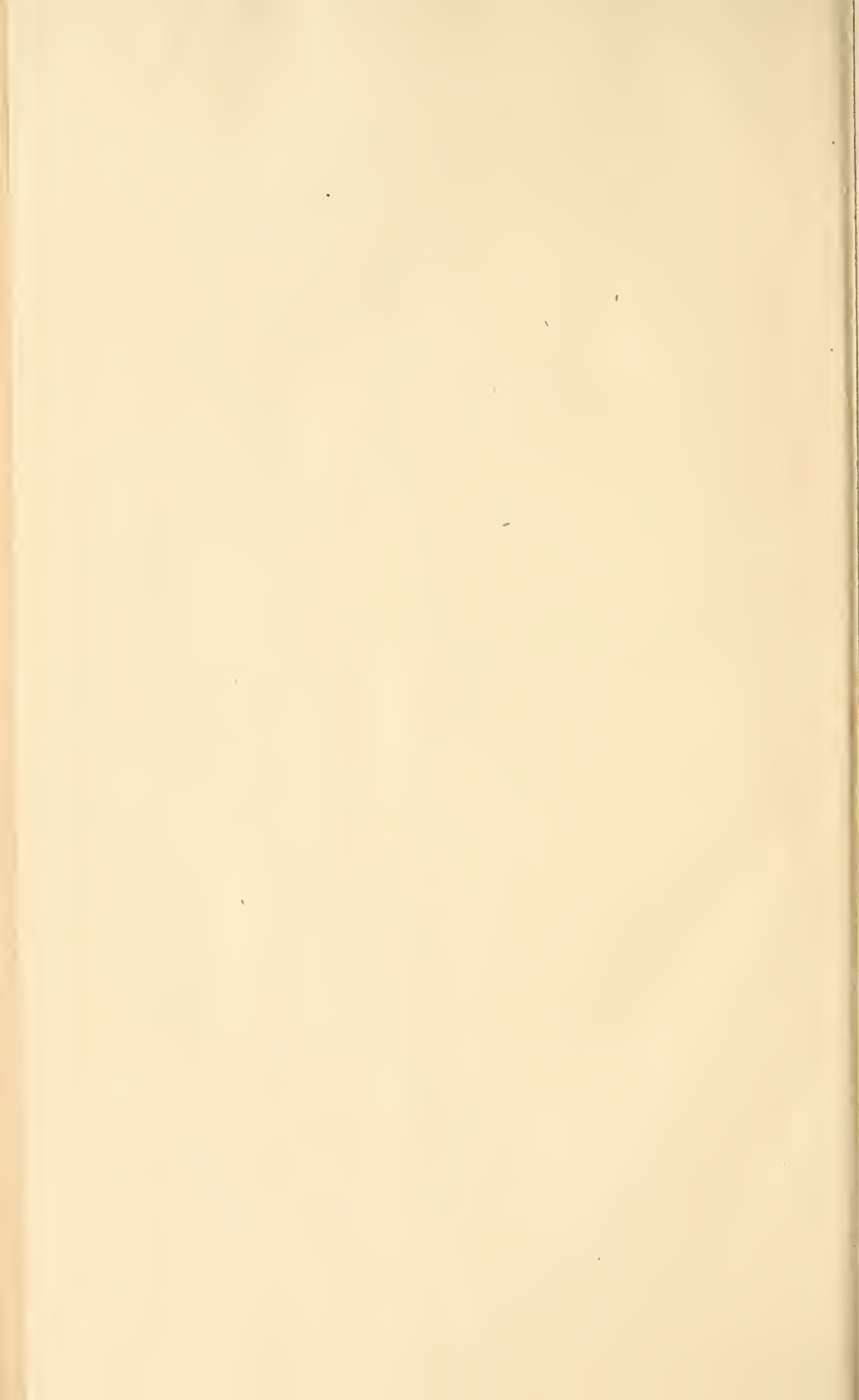
The interest taken in this trial has probably been greater than in any other similar trial which ever came before a New York jury. The parties were well known, and the Court House was filled every day during the lengthy trial. The jury found themselves unable to agree, and were discharged. It is reported that they stood seven for *six cents damages*, and five for greater damages. We guess Mr. Opdyke will not be in a hurry to sue Mr. Weed again.

[From the Schenectady Star.]

OPDYKE v. WEED.

The jury in the Opdyke-Weed libel case were seven for a verdict for the defendant and five for the plaintiff. This is a substantial verdict for the former. Very few will regret the result. Mr. Weed was quite as much sinned against as sinning. Mr. Opdyke should have been contented with the means of retaliation offered him though the public press for the smart from Mr. Weed's whip which he provoked. The law is not intended for such cases. It was a political quarrel, and both gentlemen had ample space for its settlement through the legitimate channel. It was, on Mr. Opdyke's part, as the counsel for Mr. Weed well said, a simple attempt to get money, and that is a commodity which certainly will not heal wounded honor.







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